

773
TUNIS. No. 1 (1884).

CORRESPONDENCE

RESPECTING THE

ESTABLISHMENT OF FRENCH TRIBUNALS

AND THE

ABROGATION

OF

FOREIGN CONSULAR JURISDICTION IN TUNIS:

1882-83,

Presented to both Houses of Parliament by Command of Her Majesty.
1884.

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7705

TABLE OF CONTENTS.

No.	Name.	Date.	SUBJECT.	Page
1	To Mr. Plunkett ..	Sept. 13, 1882	Proposed judicial reform in Tunis, and establishment of French Tribunals on the 1st January, 1883. Conversation with M. Tissot ..	1
2	Lord Ampthill ..	Oct. 11,	Prince Bismarck agrees to French proposal if other Powers consent ..	1
3	To Mr. Plunkett ..	16,	Her Majesty's Government would take any proposal for surrender of rights of Consular jurisdiction into the most friendly consideration, but they reserve all other rights under Treaties, and rely on assurances of M. B. St. Hilaire given in 1881.	1
4	To Sir A. Paget (also to other Representatives)	18,	Transmits copy of above for communication ..	2
5	Mr. Plunkett ..	19,	Has made a communication to M. Duclerc in the sense of No. 3. Conversation with His Excellency ..	2
6	Lord Ampthill ..	20,	See No. 4. Has communicated substance of despatch as instructed ..	3
7	To Viscount Lyons ..	25,	Mr. Plunkett's language to M. Duclerc as reported in No. 5 approved..	3
8	Sir E. Thornton ..	23,	See No. 4. Note to M. de Giers, with substance of despatch inclosed in No. 4. ..	3
9	Sir H. Elliot ..	26,	Count Kálmoky entirely concurs in views of Her Majesty's Government as conveyed in No. 3 ..	4
10	Sir A. Paget ..	24,	See No. 4. Substance communicated to Italian Government ..	4
11	Mr. Baring ..	25,	See No. 4. Substance communicated to Portuguese Government ..	5
12	Mr. Egerton ..	Nov. 2,	See No. 4. Substance communicated to Greek Government. M. Tricoupi will follow course similar to that adopted by Her Majesty's Government ..	5
13	Mr. West ..	Dec. 22,	Copy of a joint Resolution in United States' Senate respecting the administration of justice in Tunis.	5
14	" "	23,	Copy of a note from Secretary of State explaining action of United States' Government ..	7
15	Viscount Lyons ..	Mar. 20, 1883	Bill for organization of French jurisdiction in Tunis passed by Senate on the 17th instant. Also a Bill embodying the financial clauses ..	7
16	Mr. West ..	9,	See No. 13. The Resolution as passed by United States' Senate has failed to become law ..	8
17	Viscount Lyons ..	28,	New French Tribunals. Promulgation of the Laws establishing, and of Decrees appointing French judicial officers in Tunis. Extracts from "Journal Officiel" ..	8
18	Mr. Reade ..	Apr. 26,	New French Tribunals. Formal opening of on the 24th instant ..	11
19	<i>Note verbale</i> by Count d'Aunay	May 10,	New French Tribunals. Text of French Law, Bey's Decree, and two Regulations respecting. Asks that British subjects be made amenable to in future. Explanations as to new judicial organization and guarantees afforded to foreigners ..	11
20	To M. Tissot ..	14,	Receipt of above. Proposals will be attentively considered ..	22
21	To Viscount Lyons ..	19,	Transmits copy of No. 19 ..	22
22	" "	June 4,	Proposed abandonment of Consular jurisdiction. Conversation with M. Tissot, who presses for a reply. Answer promised shortly, and in substance it will be favourable..	22
23	" "	12,	Conversation with M. Tissot, who again presses for a reply. Has told him that general principle of Her Majesty's Government is to give full scope to French Courts, but not to abandon Capitulations entirely ..	22
24	Viscount Lyons ..	13,	Abandonment of Consular jurisdiction. Conversation with M. Challemel-Lacour, who urges expedition in British answer ..	23
25	Sir J. Walsham ..	13,	German Consular jurisdiction in Tunis. Bill passed empowering curtailment or abolition. Memorandum by Bundesrath explaining reasons for ..	23
26	Mr. Stuart ..	15,	Dutch Consular jurisdiction in Tunis. Netherlands Government have agreed to accept jurisdiction of French Courts of Law ..	24

No.	Name.	Date.	SUBJECT.	Page
27	To M. Tissot ..	June 20, 1883	Consular jurisdiction. Her Majesty's Government disposed to waive British rights, with certain reservations. Memorandum inclosed requesting explanations on certain technical points. On receipt of satisfactory reply, British Consular officers in Tunis will be relieved of judicial functions as soon as other foreign Governments adopt similar course ..	24
28	To Viscount Lyons ..	21,	Transmits copy of above ..	26
29	Count d'Aunay ..	July 20,	New French Tribunals. Explanations in reply to Memorandum annexed to letter from Foreign Office of the 20th June, 1883 ..	26
30	To M. Waddington ..	Nov. 16,	Reply to the above. Reservations subject to which Her Majesty's Government are prepared to abolish British Consular jurisdiction in Tunis ..	28
31	To Viscount Lyons ..	21,	Conversation with M. Waddington. French Government accept all the British reservations but one, <i>i.e.</i> , settlement by arbitration of the outstanding claims. Difficulty respecting this ..	29
32	," "	Dec. 11,	Conversation with M. Waddington. French Government desire to come to an arrangement; are ready to refer to arbitration greater number of outstanding British cases ..	29
33	To Dr. Arpa .. (Telegraphic)	28,	Order in Council will be passed on 31st instant abolishing jurisdiction of Her Britannic Majesty's Court for Tunis on and after the 1st January ..	29
34	M. Waddington ..	29,	French Government accept conditions of Her Majesty's Government. Recalls arrangement as to Article 4 ..	30
35	Mr. Peel ..	31,	Transmits Order in Council abolishing British Consular jurisdiction in Tunis ..	31
36	To Dr. Arpa .. (Telegraphic)	31,	To inform French Minister and notify to British community that Her Majesty's Consular jurisdiction will cease from the 1st January. States conditions upon which Her Majesty's Government have assented to this course ..	32
37	To Lord Ampthill (also to other Representatives) (Telegraphic)	31,	Jurisdiction of Her Britannic Majesty's Court for Tunis will be abolished on and after the 1st January ..	32
38	To M. Waddington ..	31,	Arrangement for disposing of British claims accepted as satisfactory. Measures have been taken for closing the Consular Courts on and after the 1st January. British claims relating to land will form subject of an exchange of notes ..	32
39	M. Waddington ..	31,	Claims respecting real property to be adjudicated upon by the competent Tribunal ..	33
40	Dr. Arpa .. (Telegraphic)	Jan. 3, 1884	French Minister informed in sense of No. 36. Presentation of British subjects to Cardinal Lavigerie and M. de Cambon ..	34
41	Sir H. Rumbold ..	3,	Contents of No. 37 communicated to Baron Hochschild, who said his Government only await completion of French arrangements to pursue same course ..	34
42	To M. Waddington ..	12,	Reference to No. 39. Land claims. Her Majesty's Government concur in terms of arrangement ..	34
43	Mr. Vivian ..	10,	Danish Government have expressed willingness to relinquish their rights of Consular jurisdiction in Tunis, but retain power of resuming it ..	34
44	Sir S. Lumley .. (Telegraphic)	25,	Signature of Protocol abandoning Italian Consular jurisdiction in Tunis ..	35

777

Correspondence respecting the Establishment of French Tribunals and the Abrogation of Foreign Consular Jurisdiction in Tunis: 1882-83.

No. 1.

Earl Granville to Mr. Plunkett.

Sir,

Foreign Office, September 13, 1882.

THE French Ambassador spoke to me this afternoon on the subject of a proposed judicial reform in Tunis, observing that he was not instructed or authorized to make any formal communication, but merely to endeavour to ascertain the views of Her Majesty's Government.

M. Tissot said that the French Government intended to establish at Tunis on the 1st January next Tribunals which would render useless the exercise of the rights now existing under the Capitulations. There would be no inconvenience in the change to foreigners, because the object of the Capitulations was to defend foreigners from the injustice to which they would have been exposed by recourse to the Native Courts. The French Government proposed, in fact, to do in Tunis as we had already done in Cyprus, and as the Austrians had done in Bosnia.

I thanked M. Tissot for the communication, and said that, as he knew, we had shown no undue jealousy of the ascendancy obtained by France in Tunis; but the matter on which he had just spoken was one which required careful consideration before I could express an opinion.

I am, &c.
(Signed) GRANVILLE.

No. 2.

Lord Ampthill to Earl Granville.—(Received by telegraph, October 11.)

My Lord,

Berlin, October 11, 1882.

I HAVE the honour to state that, subject to the consent of other Powers being obtained, Prince Bismarck has agreed to the plan for abolishing Consular jurisdiction in Tunis which has been proposed by the French Government.

I have, &c.
(Signed) AMPTHILL.

No. 3.

Earl Granville to Mr. Plunkett.

Sir,

Foreign Office, October 16, 1882.

HER Majesty's Government have given careful consideration to the communication which, as I informed you in my despatch of the 13th ultimo, had been made to me by M. Tissot in regard to the intention of the French Government to establish Tribunals at Tunis, and their wish to come to an agreement with Great Britain and the other Powers having Consular jurisdiction there for the abolition of such jurisdiction, which would, in

the opinion of the French Government, become useless when the arrangements now proposed by them come into operation.

Her Majesty's Government are willing to recognize the justice of the contention that there would be no sufficient reason for maintaining Consular jurisdiction in Tunis when the Native Courts are superseded by French Tribunals. The institutions which have grown up under the Capitulations with Turkey have been found essential for the protection of foreigners under the peculiar circumstances of the Ottoman Empire, and the necessity for them disappears when Tribunals organized and controlled by an European Government take the place of the Mussulman Courts.

Her Majesty's Government would therefore be prepared to give the most friendly consideration to any proposals on the subject which the French Government may have to make to them, but in communicating to M. Duclerc their willingness to consider the question of surrendering their rights so far as Consular jurisdiction is concerned, you will state to his Excellency that Her Majesty's Government reserve all the other rights and privileges, commercial and otherwise, guaranteed to them by Treaties, and that they continue to rely upon the assurances given by M. Barthélemy St. Hilaire in his notes to Lord Lyons of the 14th and 16th May, 1881, which, as I stated in my note to M. Challemel-Lacour of the 20th May, 1881, they regard as an international engagement binding upon the French Government.*

I am, &c.
(Signed) GRANVILLE.

No. 4.

Earl Granville to Sir A. Paget.†

Sir, *Foreign Office, October 18, 1882.*
I TRANSMIT to your Excellency herewith copy of a despatch which I have addressed to Her Majesty's Minister in Paris on the subject of the proposals made by the French Government with a view to the abolition of Consular jurisdiction in Tunis;‡ and I have to request that you will communicate the substance of the inclosed instruction to the Government to which you are accredited.

I am, &c.
(Signed) GRANVILLE.

No. 5.

Mr. Plunkett to Earl Granville.—(Received October 20.)

My Lord, *Paris, October 19, 1882.*
I CALLED upon M. Duclerc this afternoon to communicate to his Excellency the substance of your Lordship's despatch of the 16th instant.

I stated that Her Majesty's Government were willing to recognize the justice of the contention that there would be no sufficient reason for maintaining Consular jurisdiction in Tunis when the Native Courts are superseded by French Tribunals. The institutions which have grown up under the Capitulations with Turkey have been found essential for the protection of foreigners under the peculiar circumstances of the Ottoman Empire, and the necessity for them disappears when Tribunals organized and controlled by an European Government take the place of the Mussulman Courts.

I told his Excellency that Her Majesty's Government would be prepared to give the most friendly consideration to any proposals on the subject which the French Government may have to make to them.

I begged, however, his Excellency to take note that the question which Her Majesty's Government were willing to consider concerned Consular jurisdiction only.

Her Majesty's Government reserve all the other rights and privileges, commercial and otherwise, guaranteed to them by Treaties, and they continue to rely upon the assurances given by M. Barthélemy St. Hilaire in the notes to Lord Lyons of the 14th

* See "Tunis No. 3 (1881)," pp. 41, 42, and 51.

† Also to Lord Ampthill (No. 436), Sir H. Elliot (No. 319), Sir E. Thornton (No. 302), the Earl of Dufferin (No. 612), Sir E. Malet (No. 359), Mr. Morier (No. 159), Sir C. Wyke (No. 59), Mr. West (No. 280), Mr. Egerton (No. 93), and Mr. Stuart (No. 93).

‡ No. .

and 16th May, 1881, and I reminded his Excellency that in your note to M. Challemel-Lacour of the 20th May, 1881, your Lordship had stated that Her Majesty's Government regard these assurances as an international engagement binding on the French Government.

M. Duclerc, who took down the dates of the notes alluded to, said that he quite appreciated the distinction drawn by Her Majesty's Government; the consent to give friendly consideration to the proposals to be made by France respecting the Tribunals entirely met all he had so far asked Her Majesty's Government to agree to.

The commercial and other privileges might, perhaps, hereafter form the subject of future negotiations; his proposal at present touched only the question of jurisdiction.

M. Duclerc begged me to express to your Lordship his very sincere thanks for the friendly manner in which his overtures had been met by Her Majesty's Government.

If we can continue to discuss our many little difficulties in the same friendly spirit, said his Excellency, we shall soon have settled them all.

I said I entirely agreed with his Excellency, and I counted on seeing France, on her side, show the same friendly disposition as we had shown to arrange in an amicable spirit the various matters in discussion between the two Governments.

I have, &c.
(Signed) F. R. PLUNKETT.

No. 6.

Lord Ampthill to Earl Granville.—(Received October 23.)

My Lord,

Berlin, October 20, 1882.

IN obedience to your Lordship's instruction of the 18th instant, I communicated to the Acting Minister for Foreign Affairs the substance of your Lordship's despatch to Her Majesty's Minister at Paris of the 16th instant, on the subject of the proposal made by the French Government with a view to the abolition of the Consular jurisdiction in Tunis, and his Excellency, in thanking your Lordship for this communication, observed that the proposal did not appear to have met with any opposition on the part of the Powers appealed to by France.

I have, &c.
(Signed) AMPTHILL.

No. 7.

Earl Granville to Viscount Lyons.

My Lord,

Foreign Office, October 25, 1882.

I HAVE to request your Excellency to inform Mr. Plunkett that his language to M. Duclerc, as reported in his despatch of the 19th instant, respecting the Tunis Capitulations, is approved by Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 8.

Sir E. Thornton to Earl Granville.—(Received October 30.)

My Lord,

St. Petersburg, October 28, 1882.

IN compliance with the instruction conveyed to me by your Lordship's despatch of the 18th instant respecting the abolition of Consular jurisdiction in Tunis, proposed by the French Government, I have addressed a note to M. de Giers, acquainting his Excellency with the substance of the despatch addressed by your Lordship on the 16th instant upon that subject to Her Majesty's Minister in Paris.

I have the honour to inclose a copy of this note.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure in No. 8.

Sir E. Thornton to M. de Giers.

M. le Ministre,

St. Petersburgh, October 11 (23), 1882.

I HAVE the honour to inform your Excellency, in compliance with instructions from Earl Granville, that the French Ambassador in London recently spoke to his Lordship on the subject of a proposed judicial reform in Tunis, observing that he was not instructed or authorized to make any formal communication, but was merely directed to endeavour to ascertain the views of Her Majesty's Government.

His Excellency said that the French Government intended to establish at Tunis, on the 1st January next, Tribunals which would render useless the exercise of the rights now existing under the Capitulations. There would be no inconvenience in the change to foreigners, because the object of the Capitulations was to defend foreigners from the injustice to which they would have been exposed by recourse to the Native Courts.

In consequence of this communication, Lord Granville addressed a despatch to Her Majesty's Minister at Paris, in which his Lordship stated that Her Majesty's Government are willing to recognize the justice of the contention that there would be no sufficient reason for maintaining Consular jurisdiction in Tunis when the native Courts are superseded by French Tribunals. The institutions which have grown up under the Capitulations with Turkey have been found essential for the protection of foreigners under the peculiar circumstances of the Ottoman Empire, and the necessity for them disappears when Tribunals organized and controlled by an European Government take the place of Mussulman Courts.

Lord Granville added that Her Majesty's Government would therefore be prepared to give the most friendly consideration to any proposals on the subject which the French Government may have to make; but he instructed Mr. Plunkett, in expressing the willingness of Her Majesty's Government to consider the question of surrendering their rights so far as Consular jurisdiction is concerned, to state that they reserve all the other rights and privileges, commercial and otherwise, guaranteed to them by Treaties, and that they continue to rely upon the assurances given by M. Barthélemy de St. Hilaire to Lord Lyons in May 1881, which they regard as an international engagement binding upon the French Government.

I avail, &c.
(Signed) EDWD. THORNTON.

No. 9.

Sir H. Elliot to Earl Granville.—(Received October 30.)

My Lord,

Pesth, October 26, 1882.

COUNT KÁLNOKY says that he entirely concurs in the views conveyed in your Lordship's despatch to Mr. Plunkett of the 16th instant, of which I had communicated to him the substance, respecting the abrogation of the Consular jurisdiction in Tunis.

I have, &c.
(Signed) HENRY ELLIOT.

No. 10.

Sir A. Paget to Earl Granville.—(Received October 31.)

My Lord,

Rome, October 24, 1882.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 18th instant, inclosing a copy of your Lordship's despatch of the 17th instant to Her Majesty's Minister in Paris, on the subject of the proposals made by the French Government with a view to the abolition of Consular jurisdiction in Tunis, and to acquaint your Lordship that, in compliance with your instructions, I have communicated the substance of this despatch to the Italian Minister for Foreign Affairs, in the form of a Memorandum, which I yesterday handed to Chevalier Tosi, at present in charge of the Foreign Department in the absence of M. Mancini, the Secretary-General, and the Director of the Political Department.

I have, &c.
(Signed) A. PAGET.

No. 11.

Mr. Baring to Earl Granville.—(Received October 31.)

My Lord,

Lisbon, October 25, 1882.

IN obedience to the instructions contained in your Lordship's despatch of the 18th instant, I have this day addressed a note to the Portuguese Minister for Foreign Affairs, communicating to him the substance of the instructions conveyed to Mr. Plunkett by your Lordship's despatch of the 16th instant respecting the proposals of the French Government for the abolition of Consular jurisdiction in Tunis.

I have, &c.
(Signed) WALTER BARING.

No. 12.

Mr. Egerton to Earl Granville.—(Received November 8.)

My Lord,

Athens, November 2, 1882.

I HAVE the honour to acknowledge receipt of your Lordship's despatch of the 18th ultimo, and to state that I have communicated to M. Tricoupi the substance of your instruction to Her Majesty's Chargé d'Affaires in Paris respecting the abolition of Consular jurisdiction in Tunis.

His Excellency, taking note of the reservation respecting other rights and privileges guaranteed by Treaties, said that he would follow a similar course to that adopted by Her Majesty's Government as regards the surrender of Consular jurisdiction in Tunis.

I have, &c.
(Signed) EDWIN H. EGERTON.

No. 13.

Mr. West to Earl Granville.—(Received January 3, 1883.)

My Lord,

Washington, December 22, 1882.

I HAVE the honour to inclose to your Lordship herewith printed copies of a joint Resolution lately introduced into the House of Representatives respecting the administration of justice in Tunis, which was originated by the State Department in consequence of a communication from the French Minister, M. Roustan, and the desire of the Secretary of State to meet also the views of Her Majesty's Government on this subject.

Printed copies of the note of the Secretary of State to the Chairman of the Committee of Foreign Relations of the House of Representatives and of the note of the French Minister are subjoined.

The Resolution has now been submitted to the Senate.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 13.

[47th Congress,
2nd Session.]

HOUSE OF REPRESENTATIVES.

[No. 303.]

In the Senate of the United States, December 20, 1882.

(Read twice and referred to the Committee on Foreign Relations.)

Joint Resolution respecting the Adminisiration of Justice in Tunis.

WHEREAS the Government of France proposes to establish in Tunis a judicial system common among Christian nations, so that the Courts in that country shall be fully open for the protection of citizens of the United States in their personal property and rights: therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that when the President of the United States shall be satisfied that a system for the administration of justice shall be established in Tunis by the Government of France, in accordance with the usage of civilized and Christian nations, under which all rights of person and property of the citizens of the United States may be

fully and permanently protected, he shall be, and is hereby authorized, by Proclamation, to declare that the right on the part of the United States and its citizens to claim extra-territorial jurisdiction within said territory of Tunis, as secured by existing Treaties and Laws, has ceased, and will no longer be claimed or exercised.

Passed the House of Representatives December 19, 1882.

Attest:

(Signed) EWD. McPHERSON, Clerk.

Inclosure 2 in No. 13.

Extract from the "Congressional Record" of December 20, 1882.

Sir,

Department of State, Washington, December 6, 1882.

I HAVE the honour to lay before your Committee a note lately received from the French Minister at this capital, announcing the intention of the Government of that Republic to extend to the territory of the Bey of Tunis the judicial Tribunals and procedure of France, and asking that this Government renounce, in favour of such French Tribunals and procedure, any rights it may have had, or might still claim, to exercise Consular extra-territorial jurisdiction, in virtue of Treaty stipulations with Tunis, or the usage of non-Christian countries.

As the Statutes (Revised Statutes, section 4127) expressly mention Tunis as a country to which such extra-territorial jurisdiction extends, it seems proper that Congress should take cognizance of the matter, and, by appropriate legislation, enable the cessation of a mode of procedure, the exercise of which is no longer required.

This may be done by authorizing the President to issue a Proclamation to the desired end, or by amending section 4127 of the Revised Statutes, so as to strike out the word "Tunis."

As the French judicial system becomes operative in Tunis on the 1st January next, the prompt action of Congress in the matter seems desirable. Meanwhile, I may remark, no case of conflict as to jurisdiction is likely to arise, as the Consulate of the United States at Tunis has been closed, through the omission of the usual appropriation for its support from the current Act.

I have, &c.

(Signed) FREDK. T. FRELINGHUYSEN.

Hon. C. G. Williams,

Chairman Committee on Foreign Affairs.

Legation of France in the United States, Washington,

November 20, 1882.

Mr. Secretary of State,

Since the Treaty of Bardo placed Tunis under the Protectorate of France, the Government of the Republic has given its attention to introducing in the States of the Bey administrative institutions, which may assure to that country and its inhabitants the advantages of civilization. Among the most original reforms, in order to attain this end, is the reorganization of justice. It becomes necessary to create in Tunis French Tribunals, following the model of those in France, and administrative justice conformable to French laws. This new procedure, which will go into operation from the 1st January next, will, therefore, present the same guarantees of impartiality and of good justice as the Tribunals of the mother country and of Algiers. It is, however, important to the end that it may yield all its advantages, that the strangers established in the Regency should not invoke, in order to withdraw themselves from French jurisdiction, the privileges and usages which exist in Mussulman countries in favour of Christians. It will be necessary to that end for the foreign Powers to renounce any claim, on behalf of their citizens and subjects, to the benefits of Consular jurisdiction, to which jurisdiction they are at present submitted.

In acquainting you with this situation of affairs, I should add that my Government would be happy if the Cabinet at Washington would kindly lend its aid to facilitate, by making such a renunciation, the operation of Courts which will assure besides to the citizens of the United States an administration of justice preferable, from many points of view, to that which they have hitherto found at Tunis.

Several Powers have already shown themselves disposed to renounce the benefits of Consular jurisdiction in behalf of their citizens and subjects from the day when we shall offer them, in the States of the Bey, the guarantees of French justice.

789

It is, moreover, only the application of a practice constantly followed whenever territories where Consular jurisdiction was formerly in effect have passed under the suzerainty of a Christian State, and the Government of the United States will, I hope, kindly take into account the considerations which I have had the honour to set forth to you, by adopting, with regard to Tunis, the practice already established there by several precedents in other countries.

Be pleased to accept, &c.
(Signed) TH. DE ROUSTAN.

Hon. Frederick T. Frelinghuysen,
Washington, Delaware County.

No. 14.

Mr. West to Earl Granville.—(Received January 7, 1883.)

My Lord,

Washington, December 23, 1882.

YOUR Lordship will have learnt from my despatch of the 22nd instant that a joint Resolution has been passed by the House of Representatives respecting the administration of justice in Tunis. As, however, the Secretary of State had not replied to the note which I addressed to him on the 1st ultimo, communicating the views of Her Majesty's Government respecting the abandonment of Consular jurisdiction, I took occasion to remark to him that I had been made aware of the step which had been taken in consequence of the French Minister's communication, and I have now the honour to inclose to your Lordship herewith a copy of a note which he has addressed to me on the subject.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 14.

Mr. Frelinghuysen to Mr. West.

Sir,

Department of State, Washington, December 23, 1882.

ACKNOWLEDGING the receipt of your note of the 1st ultimo, in which you acquaint me with the action of Her Majesty's Government with regard to the proposition of France to extend French judicial Tribunals and procedure to the territory of Tunis from the 1st January next, I have the honour to inform you that upon receiving notice from the French Government in relation to its proposed action in regard to this matter, I informed M. Roustan, the Minister of France at this capital, that inasmuch as the Consular jurisdiction of this country in Tunis is expressly prescribed by an Act of Congress, the renunciation of that jurisdictional right is not a matter within the control of the Executive, and that it would therefore be necessary to lay the matter before Congress at its then approaching Session.

When Congress assembled, I accordingly called the attention of the appropriate Committees of both Houses to the subject.

On the 19th instant the House of Representatives passed a joint Resolution in relation to the matter, which is now pending in the Senate, a copy of which I inclose herewith, for your information, showing the present status of the matter so far as this Government is concerned.

I have, &c.
(Signed) F. T. FRELINGHUYSEN.

No. 15.

Viscount Lyons to Earl Granville.—(Received March 21.)

My Lord,

Paris, March 20, 1883.

I HAVE the honour to inform your Lordship that on the 17th instant the Senate passed the Bill to organize French jurisdiction in Tunis, as finally sent back from the Chamber of Deputies.

On the same day a Bill embodying the financial clauses which had been struck out of it on a question of Constitutional form was brought into the Chamber of Deputies and passed, and yesterday this Bill was passed by the Senate also.

The two Bills are therefore ready to be promulgated as Laws by the President of the Republic.

I have, &c.
(Signed) LYONS.

No. 16.

Mr. West to Earl Granville.—(Received March 27.)

My Lord,

Washington, March 9, 1883.

I HAVE the honour to report that the Resolution respecting the administration of justice in Tunis, which I informed your Lordship in my despatch of the 22nd December last had passed the House of Representatives, has failed to become law.

It was passed by the Senate with an amendment, and returned to the House of Representatives, who took no final action in the matter.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 17.

Viscount Lyons to Earl Granville.—(Received March 31.)

My Lord,

Paris, March 28, 1883.

WITH reference to my despatch of the 20th instant, I have the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the promulgation by the President of the Republic of the Law to organize French jurisdiction in Tunis, and of the Law granting 220,000 fr. (8,800l.) for the consequent expenses.

I inclose also Decrees appointing French judicial officers in Tunis.

I have, &c.
(Signed) LYONS.

Inclosure 1 in No. 17.

Law providing for the Organization of French Jurisdiction in Tunis.

[For Text and Translation of this, see Inclosure in Count d'Aunay's *Note Verbale* of May 10, 1883: No. 19.]

Law authorizing the opening in the Budget of 1883 of Extraordinary Credits, amounting to 220,000 fr., for the Organization of French Jurisdiction in Tunis.

Le Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit :

Article 1^{er}. Il est ouvert aux Ministres, au titre du Budget Ordinaire de l'Exercice 1883, en addition aux crédits accordés par la Loi de Finances du 29 Décembre, 1882, des crédits extraordinaires montant à la somme de 220,000 fr.

Ces crédits demeurent répartis par Ministères et par chapitres, conformément au Tableau annexé à la présente Loi.

Art. 2. Il sera pourvu aux crédits extraordinaires ci-dessus au moyen des ressources générales du Budget Ordinaire de l'Exercice 1883.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'Etat.

Fait à Paris, le 27 Mars, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Finances,
(Signé) P. TIRARD.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLÉE.

Le Ministre des Affaires Étrangères,
(Signé) P. CHALLEMEL-LACOUR.

Annexe.

TABLEAU, par Ministères et par Chapitres, des Crédits Extraordinaires accordés sur l'Exercice 1883.

Chapitres Spéciaux.	Ministères et Services.	Montant des Crédits Extraordinaires accordés.	
		Par Chapitres.	Par Ministères.
		Fr.	Fr.
	MINISTÈRE DE LA JUSTICE ET DES CULTES.		
	1 ^{re} Section.— <i>Service de la Justice.</i>		
20	Personnel de la Justice Française en Tunisie ..	135,000	135,000
	MINISTÈRE DES AFFAIRES ÉTRANGÈRES.		
17	Dépenses du matériel de la Justice Française en Tunisie	85,000	85,000
	Totaux	220,000	220,000

Vu pour être annexé à la Loi du 27 Mars, 1883, délibérée et adoptée par le Sénat et par la Chambre des Députés.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Finances,

(Signé) P. TIRARD.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,

(Signé) F. MARTIN-FEUILLÉE.

Le Ministre des Affaires Étrangères,

(Signé) P. CHALLEMEL-LACOUR.

(Translation.)

The Senate and the Chamber of Deputies have adopted,

The President of the Republic promulgates the Law of which the following is the text :—

Article. 1. Extraordinary credits, amounting to the sum of 220,000 fr., are opened to the Ministers, under the heading of the Ordinary Expenditure of the Budget of 1883, in addition to the credits accorded by the Financial Law of the 29th December, 1882.

These credits shall be assigned to certain Departments under specified heads, in conformity with the Table annexed to the present Law.

Art. 2. The above-mentioned extraordinary credits shall be provided for by means of the general resources of the Ordinary Budget of 1883.

The present Law, deliberated on and adopted by the Senate and the Chamber of Deputies, shall be carried out as Law of the State.

Done at Paris, the 27th March, 1883.

The President of the French Republic,
(Signed) JULES GRÉVY.

By the President of the Republic :

The Minister of Finance,

(Signed) P. TIRARD.

The Keeper of the Seals, Minister of Justice

and Public Worship,

(Signed) F. MARTIN-FEUILLÉE.

The Minister of Foreign Affairs,

(Signed) P. CHALLEMEL-LACOUR.

Annex.

TABLE, by Departments and Divisions, of the Extraordinary Credits accorded on the Budget 1883.

Special Divisions.	Departments and Services.	Amount of Extraordinary Credits accorded.	
		By Divisions.	By Departments.
		Fr.	Fr.
	MINISTRY OF JUSTICE AND PUBLIC WORSHIP.		
20	1st Section.— <i>Administration of Justice.</i> Staff of the French Courts of Judicature in Tunis.	135,000	135,000
	MINISTRY OF FOREIGN AFFAIRS.		
17	Costs of the "matériel" of the French Courts of Judicature in Tunis	85,000	85,000
	Total	220,000	220,000

Approved for annexation to the Law of the 27th March, 1883, deliberated on and adopted by the Senate and Chamber of Deputies.

The President of the French Republic,
(Signed) JULES GREVY.

By the President of the Republic:

The Minister of Finance,
(Signed) P. TIRARD.

The Keeper of the Seals, Minister of Justice
and Public Worship,
(Signed) F. MARTIN-FEUILLÉE.

The Minister of Foreign Affairs,
(Signed) P. CHALLEMEL-LACOUR.

Inclosure 2 in No. 17.

Extract from the "Journal Officiel" of March 28, 1883.

LE Président de la République Française,
Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes,

Décrète :

Article 1^{er}. Sont nommés :

Président du Tribunal de Première Instance de Tunis, M. Pontois, Conseiller à la Cour d'Appel de Bourges, Ancien Conseiller à la Cour d'Appel d'Alger.

Procureur de la République près le Tribunal de Première Instance de Tunis, M. Bœrner, Avocat Général près la Cour d'Appel d'Alger.

Juge au Tribunal de Première Instance de Tunis, M. Ronnot, Président du Siège de Philippeville (Algérie),

Juge au Tribunal de Première Instance de Tunis, M. Fermé, Président du Siège de Sidibé-Abbès (Algérie).

Juge au Tribunal de Première Instance de Tunis, M. Montanari-Revest, Avocat à Toulon, Ancien Bâtonnier de l'Ordre.

Substitut du Procureur de la République près le Tribunal de Première Instance de Tunis, M. Masson, Procureur de la République près le Siège de Guelma (Algérie).

Juge suppléant au Tribunal de Première Instance de Tunis, M. Camus, Juge de Paix de l'Oued Zénati (Algérie).

Juge suppléant au Tribunal de Première Instance de Tunis, M. Maisonnave, Avocat, Docteur en Droit.

Art. 2. M. Montanari-Revest, nommé par le présent Décret Juge au Tribunal de Première Instance de Tunis, remplira, au même siège, les fonctions de Juge d'Instruction.

Art. 3. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 27 Mars, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

Le Président de la République Française,
Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes,

Décrète :

Article 1^{er}. Sont nommés :

Juge de Paix à Tunis, M. Brulser, Juge au Tribunal de Première Instance d'Orléansville (Algérie).

Juge de Paix à la Goulette (Tunisie), M. Caussat, Juge au Tribunal de Première Instance d'Orléansville (Algérie).

Juge de Paix à Bizerte (Tunisie), M. Lespès, Juge de Paix à Blida (Algérie).

Juge de Paix à Sousse (Tunisie), M. Pillault, Juge au Tribunal de Première Instance de Tlemcen (Algérie).

Juge de Paix à Sfax (Tunisie), M. de la Bigne de Villeneuve, Juge de Paix à Bou-Saâda (Algérie).

Juge de Paix au Kef (Tunisie), M. Ricklin, Juge du Paix au Djurdjura (Algérie).

Art. 2. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 27 Mars, 1883.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

No. 18.

Mr. Reade to Earl Granville.—(Received May 3.)

My Lord,

Tunis, April 26, 1883

I HAVE the honour to report that the installation of the new French Tribunals took place on the 24th, in the presence of the Prince Sid Mohamed, a son of the reigning Bey, and most of the leading functionaries of the place, including the foreign Representatives who had been formally invited to attend.

A detailed account of the ceremony is contained in the copy of this day's Government "Gazette," which forms an inclosure in my despatch No. 22 of this date.

M. Cambon's speech in opening the proceedings of the ceremony of installation, and more especially that part of it which treats of the regard due to the local legislation, has, by the moderation of its tone, created a not unsavourable impression.

I have, &c.
(Signed) THOS. F. READE.

No. 19.

Note Verbale left with Earl Granville by Count d'Aunay, May 10, 1883.

LE Gouvernement de la République Française joint à cette note verbale le texte de la Loi qui a institué la juridiction Française en Tunisie, du Décret du Bey, qui en autorise le fonctionnement, et de deux Règlements d'Administration Publique concernant—l'un la nomination des Assesseurs en matière criminelle ; l'autre, l'établissement des circonscriptions de Justice de Paix. Ces documents permettront au Gouvernement de Sa Majesté la Reine de se faire une idée exacte de l'organisation judiciaire dont la France vient de doter la Régence ; et l'Ambassadeur de la République est chargé par son Gouvernement

[116]

O 2

d'exprimer au Cabinet de Londres le désir que les sujets Anglais, fixés en Tunisie, soient soumis à l'avenir à la nouvelle juridiction.

Il est inutile de revenir ici sur les motifs d'ordre général que la France peut invoquer pour légitimer la démarche dont il s'agit. L'attitude de l'Angleterre après l'occupation de Chypre, la déclaration qu'elle a faite au Gouvernement Français que le régime des Capitulations était caduc par le fait même de l'établissement des Anglais dans l'île, l'accueil que cette déclaration a rencontré auprès du Gouvernement de la République, autorisent celui-ci à penser que le Cabinet de Londres ne sera pas difficulté d'agir à l'égard de la France de la même manière dans le cas présent.

Il est, d'ailleurs, facile de démontrer, à l'aide des documents ci-inclus, que les Anglais fixés en Tunisie ne courront aucun risque d'être lésés par la nouvelle organisation judiciaire. Il suffit pour cela d'examiner quelle est la situation actuelle d'un Européen obligé de recourir aux Tribunaux dans la Régence. En matière immobilière, il est jugé par les Tribunaux indigènes. En matière mobilière, il n'est assuré du bénéfice de la juridiction nationale que s'il est défendeur ou s'il actionne un de ses compatriotes. Dans les autres cas il doit suivre le défendeur devant le Tribunal de ce dernier. A l'avenir, dans toutes les hypothèses où l'Européen était justiciable d'un Tribunal Consulaire, il ira devant les magistrats Français, dont la compétence et l'impartialité ne font pas doute. L'avantage de cette juridiction unique n'est pas à démontrer. En matière civile, la loi Française sera naturellement appliquée en principe par les nouveaux Tribunaux, les Juges conservant la liberté de prendre en considération le statut personnel des parties et les législations sous l'empire desquelles auront été conclus des contrats donnant lieu à litige. Il n'en est pas autrement du reste en France, où les Tribunaux, bien qu'ils soient institués pour faire prévaloir la loi nationale, sont si souvent obligés de tenir compte des législations étrangères. En matière pénale, enfin, la loi Française sera exclusivement appliquée. A cet égard, le Règlement ci-joint accorde aux étrangers des garanties tout exceptionnelles résultant de la présence de quelques-uns de leurs compatriotes parmi les Assesseurs.

Le Gouvernement de la République se plaît à croire que ces éclaircissements disiperont les préoccupations que le Gouvernement de Sa Majesté la Reine aurait pu conserver touchant la situation réservée aux sujets Anglais en Tunisie sous le Protectorat de la France.

Londres, le 10 Mai, 1883.

(Translation.)

THE Government of the French Republic annexes to this *note verbale* the text of the law which has established French jurisdiction in Tunis, of the Decree of the Bey authorizing its operation, and of two Regulations of Public Administration concerning—the one, the nomination of assessors in criminal matters ; the other, the establishment of districts for Magistrates' Courts.

These documents will enable the Government of Her Majesty the Queen to form an exact idea of the judicial organization with which France has just endowed the Regency, and the Ambassador of the Republic is instructed by his Government to express to the Cabinet of London its wish that British subjects established in Tunis may for the future be made amenable to the new jurisdiction.

It is useless to revert here to the reasons of public order that France can invoke in justification of the step in question. The attitude of England after the occupation of Cyprus, the declaration which she made to the French Government that the system of the Capitulations had lapsed by the very fact of the establishment of the British in the island, the reception which this declaration received from the Government of the Republic authorize the latter to believe that the Cabinet of London will make no difficulty in acting towards France in a similar way in the present instance.

It is, moreover, easy to prove, by means of the inclosed documents, that the English established in Tunis run no risk of being injured by the new judicial organization. To do so it suffices to inquire what is the actual position of an European who is obliged to have recourse to the Tribunals in the Regency. In matters affecting real estate, he is under the jurisdiction of the Native Tribunals. In matters affecting personality he secures the advantage of his national jurisdiction only if he is the defendant, or if he is suing a fellow-countryman. In all other cases he must prosecute the defendant before the Tribunal of the latter. In future, in all cases where the European used to be amenable to a Consular Tribunal, he will go before the French Magistrates, as to whose competency and impartiality there can be no doubt. The advantage of this single jurisdiction does not require to be proved. In civil matters the French law will naturally be applied in principle by the new Tribunals, the Judges retaining the liberty of taking into consideration the personal status of the parties, and the legislations under whose jurisdiction the

789

contracts giving rise to the litigation may have been concluded. This, moreover, is also the case in France, where the Tribunals, although established for giving effect to the national laws, are so often obliged to take into account foreign law systems. Finally, in criminal matters the French law will be exclusively applied. In this latter respect, the annexed Regulations grant to foreigners quite exceptional guarantees resulting from the presence among the assessors of some of their countrymen.

The Government of the Republic flatters itself that these explanations will dispel any doubts which the Government of Her Majesty the Queen may have retained respecting the situation reserved for British subjects in Tunis under the Protectorate of France.

London, the 10th May, 1853.

Inclosure 1 in No. 19.

Law providing for the Organization of French Jurisdiction in Tunis.

LE Sénat et la Chambre des Députés ont adopté,

Le Président de la République promulgue la Loi dont la teneur suit :

Article 1^{er}. Un Tribunal Français et six Justices de Paix sont institués dans la Régence de Tunis.

Le Tribunal de Première Instance siège à Tunis ; les Justices de Paix ont leur siège à Tunis, à la Goulette, à Bizerte, à Sousse, à Sfax, et au Kef.

La circonscription du Tribunal s'étend sur toute la Régence. Le ressort de chaque Justice de Paix sera déterminé par un Décret rendu, le Conseil d'Etat entendu.

Au cas où les besoins du service judiciaire viendraient à l'exiger, d'autres Tribunaux de Première Instance et d'autres Justices de Paix pourront être institués par des Règlements d'Administration Publique, qui auront à en déterminer les ressorts.

Art. 2. Ces Tribunaux font partie du ressort de la Cour d'Alger. Ils connaissent de toutes les affaires civiles et commerciales entre Français et protégés Français.

Ils connaissent également de toutes les poursuites intentées contre les Français et protégés Français pour contraventions, délits, ou crimes.

Leur compétence pourra être étendue à toutes autres personnes par des Arrêtés ou des Décrets de son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français.

Art. 3. Les Juges de Paix exercent en matière civile et pénale la compétence étendue telle qu'elle est déterminée par le Décret du 19 Août, 1854.

Toutefois, les Juges de Paix siégeant dans une ville où il y a un Tribunal de Première Instance n'ont cette compétence étendue que pour les actions personnelles et mobilières en matière civile et commerciale ; pour le surplus, ils exercent la compétence ordinaire telle qu'elle est déterminée par les Lois et Décrets en vigueur en Algérie.

Art. 4. Le Tribunal de Première Instance connaît en dernier ressort des actions personnelles et mobilières jusqu'à la valeur de 3,000 fr. et des actions immobilières jusqu'à 120 fr. de revenu. En premier ressort sa compétence est illimitée.

En matière correctionnelle il statue en premier ressort sur tous les délits et contraventions dont la connaissance n'est pas attribuée aux Juges de Paix par l'Article précédent.

En matière criminelle il statue en dernier ressort sur tous les faits qualifiés crimes, avec l'adjonction de six Assesseurs ayant voix délibérative, tirés au sort sur une liste dressée chaque année dans des conditions qui seront déterminées par un Règlement d'Administration Publique.

Si l'accusé ou l'un des accusés est Français ou protégé Français, les Assesseurs devront être tous Français.

Art. 5. Le Tribunal statuant au criminel est saisi par un Arrêt de Renvoi rendu par la Chambre des Mises en Accusation de la Cour d'Alger, conformément aux dispositions du Code d'Instruction Criminelle ; sa décision est rendue dans les mêmes formes que les Jugements en matière correctionnelle.

Art. 6. Le Tribunal assisté d'Assesseurs, comme il est dit à l'Article 4, tient ses assises tous les trois mois, aux dates fixées d'avance par Arrêté Ministériel.

Art. 7. Sauf les dérogations apportées par les Articles précédents, les règles de procédure et d'instruction criminelle déterminées par les Lois, Décrets, et Ordonnances en vigueur en Algérie, sont applicables aux juridictions instituées en Tunisie.

Art. 8. Les délais des ajournements et des appels sont réglés conformément à l'Ordonnance Royale du 16 Avril, 1843.

Toutefois, si celui qui est assigné demeure hors de la Tunisie, le délai des ajournements sera :

Pour ceux qui demeurent dans les autres États, soit de l'Europe, soit du littoral de la Méditerranée et celui de la Mer Noire, de deux mois ;

Pour ceux qui demeurent hors de ces limites, de cinq mois.

Art. 9. Lorsqu'il y aura lieu à insertions légales, elles devront, à peine du nullité, être fait dans l'un des journaux désignés à cet effet par Arrêté du Ministre Résident de France à Tunis.

Art. 10. Les dispositions de l'Arrêté Ministériel du 26 Novembre, 1841, sur la profession de défenseur, et les dispositions des Décrets et Arrêtés concernant l'exercice de la profession d'huissier en Algérie sont applicables en Tunisie.

Cependant les Français et les étrangers qui, à la promulgation de la présente Loi, exercent la profession d'avocat en Tunisie, et auront, dans le délai d'un mois à partir de cette promulgation, adressé au Ministre Résident une demande à l'effet de représenter les parties devant le Tribunal de Tunis pourront, après avis du Tribunal, donné en la Chambre du Conseil, le Procureur de la République entendu, être admis par Décret, à titre exceptionnel, à remplir les fonctions de défenseur près ce Tribunal.

Art. 11. Le Tribunal de Tunis comprend : un Président, trois Juges Titulaires, deux Juges Suppléants, un Procureur de la République, un Substitut, et un Greffier.

L'un des Juges, désigné par le Ministre de la Justice, remplit les fonctions de Juge d'Instruction.

Le nombre des Juges et Substituts pourra être augmenté, et des commis greffiers pourront être institués par Décrets rendus en la forme des Règlements d'Administration Publique.

Art. 12. Les Tribunaux de Paix se composent d'un Juge de Paix, d'un ou plusieurs Suppléants, et d'un Greffier.

Un officier de Police Judiciaire remplit les fonctions de Ministère Public.

Art. 13. Des Interprètes sont attachés aux Tribunaux et Justices de Paix.

Art. 14. Les Décrets portant nomination et révocation des Magistrats, des officiers Ministériels, et des Interprètes sont rendus sur la proposition du Gardes des Sceaux, Ministre de la Justice.

Art. 15. Les Magistrats composant les Tribunaux établis en Tunisie, les Greffiers, commis greffiers, et Interprètes attachés à ces Tribunaux sont soumis aux lois et règlements qui régissent les juridictions Algériennes.

Les conditions d'âge et de capacité pour leur nomination sont les mêmes que celles exigées pour l'exercice, en Algérie, des mêmes fonctions.

Leurs traitements sont fixés conformément au Tableau annexé à la présente Loi.

Art. 16. Les fonctions de notaire continueront à être exercées dans la Régence par les Agents Consulaires Français, jusqu'à ce que le notariat y ait été organisé par un Règlement d'Administration Publique.

Art. 17. Le Tarif des frais de justice, en matière civile et criminelle, sera fixé par un Règlement d'Administration Publique.

Jusqu'à la promulgation de ce Règlement d'Administration Publique, les Tribunaux appliqueront les Tarifs en vigueur en Algérie.

Art. 18. Sont abrogées toutes les dispositions concernant la juridiction Consulaire et applicables dans la Régence de Tunis, en tant qu'elles sont contraires à celles qui précèdent.

Art. 19. La présente Loi sera exécutoire trois jours après son insertion dans le "Journal Officiel" du Gouvernement Tunisien.

La présente Loi, délibérée et adoptée par le Sénat et par la Chambre des Députés, sera exécutée comme Loi de l'Etat.

Fait à Paris, le 27 Mars, 1883.

(Signé)

JULES GRÉVY.

Par le Président de la République :

Le Ministre des Affaires Étrangères,

(Signé) CHAILLEMEL-LACOUR.

Le Garde des Sceaux, Ministre de la Justice et des Cultes,

(Signé) F. MARTIN-FEUILLÉE.

TABLEAU Législatif annexé à la Loi portant organisation de la juridiction Française en Tunisie, fixant le traitement des Magistrats et du personnel de la Justice Française en Tunisie.

TRIBUNAL DE TUNIS.							Frances.
Président ..	..	..	..	..	..	..	12,000
Juge d'Instruction ..	..	..	..	..	..	..	8,800
Juge ..	..	..	..	..	..	..	8,000
Juge Suppléant ..	..	..	..	..	..	..	2,400
Procureur de la République ..	..	..	..	..	..	..	12,000
Substitut ..	..	..	..	..	..	..	8,000
Greffier ..	..	..	..	..	..	..	4,000
Commis Greffier ..	..	..	..	..	..	..	3,000
Interprète ..	..	..	..	..	..	..	3,400
JUSTICE DE PAIX.							
Juge de Paix ..	..	..	..	..	..	..	5,000
Greffier ..	..	..	..	..	..	..	3,500
Interprète ..	..	..	..	..	..	..	3,000
Officier de Police Judiciaire ..	..	..	..	..	..	..	3,500

Vu pour être annexé à la Loi du 27 Mars, 1883, délibérée et adoptée par le Sénat et par la Chambre des Députés.

Le Président de la République Française,
(Signé) JULES GRÉVY.

Par le Président de la République :

Le Ministre des Affaires Etrangères,
(Signé) CHALLEMEL-LACOUR,

Le Garde des Sceaux, Ministre de la Justice et des Cultes,
(Signé) F. MARTIN-FEUILLE.

(Translation.)

THE Senate and the Chamber of Deputies have adopted,
The President of the Republic promulgates the law of which the following is the text:

Article 1. A French Tribunal and six Magistrates' Courts shall be established in the Regency of Tunis.

The Tribunal of First Instance shall sit at Tunis; the Magistrates' Courts shall sit at Tunis, Goletta, Bizerta, Susa, Sfax, and Kef.

The district of the Tribunal shall extend over the whole Regency. The jurisdiction of each Magistrates' Court shall be determined by a Decree issued with the concurrence of the Council of State.

Should the wants of the judicial service require it, other Tribunals of First Instance and other Magistrates' Courts may be instituted under Regulations of Public Administration, which will determine their jurisdiction.

Art. 2. These Tribunals shall form part of the jurisdiction of the Court of Algiers. They shall take cognizance of all civil and commercial questions between French and French protected subjects.

They shall take cognizance likewise of all proceedings instituted against the French and French protected subjects for infractions of the law, misdemeanours, or crimes.

Their authority may be extended over all other persons by Edicts or Decrees of His Highness the Bey, issued with the assent of the French Government.

Art. 3. The Magistrates shall exercise, in civil and criminal matters, the extended jurisdiction which is laid down by the Decree of the 19th August, 1854.

Nevertheless, the Magistrate sitting in a town where there is a Tribunal of First Instance shall exercise this extended jurisdiction only as regards suits affecting the person and personal property in civil and commercial questions; for the rest, they shall exercise the ordinary authority, as determined by the laws and Decrees in force in Algeria.

Art. 4. The Tribunal of First Instance shall take cognizance without appeal of suits affecting the person and personal property up to the amount of 3,000 fr., and of suits affecting real property up to the amount of 120 fr. of income. Subject to appeal, its authority shall be unlimited.

In police matters it shall adjudicate subject to appeal on all misdemeanours and offences which do not fall within the cognizance of the Magistrates by virtue of the preceding Article.

In criminal matters it shall adjudicate without appeal on all acts of a criminal character, assisted by six Assessors with a deliberative vote, selected by lot from a list drawn up every year under conditions to be determined by a Regulation of Public Administration.

If the accused or one of the accused is a Frenchman, or a French protected subject, the Assessors must all be French.

Art. 5. The Tribunal dealing with criminal matters shall be empowered by an "Arrêt de Renvoi," issued by the Chamber of Indictments of the Court of Algiers, in accordance with the provisions of the Code of Criminal Inquiry; its decision shall be issued in the same form as the sentences pronounced in cases of misdemeanour.

Art. 6. The Tribunal, assisted by Assessors, as provided in Article 4, shall hold its assizes every three months, on dates fixed beforehand by Ministerial Decree.

Art. 7. With the exception of the modifications introduced by the preceding Articles, the Rules of procedure and of criminal inquiry laid down by the Laws, Decrees, and Ordinances in force in Algeria shall be applicable to the jurisdictions established in Tunis.

Art. 8. The delay allowed with regard to summonses and appeals shall be regulated in accordance with the Royal Ordinance of the 16th April, 1843.

Nevertheless, if the person summoned resides out of Tunis, the delay allowed shall be:

For those who reside in other States, whether in Europe, or on the coast of the Mediterranean, or on that of the Black Sea, two months.

For those who reside beyond those limits, five months;

Art. 9. When legal notifications have to be published, they must, to be valid, be inserted in one of the newspapers assigned for this purpose by Decree of the French Minister Resident at Tunis.

Art. 10. The provisions of the Ministerial Decree of the 26th November, 1841, respecting the office of counsel, and the provisions of the Decrees and Edicts respecting the exercise of the office of "huissier" (usher) in Algeria, shall be applicable to Tunis.

Frenchmen and foreigners, however, who at the date of the publication of this Law may be exercising the profession of advocate in Tunis, and who shall, within the period of one month from the date of its promulgation address an appeal to the Minister Resident to be allowed to represent litigants before the Tunis Tribunals, shall be admissible by Decree, as an exceptional case, with the consent of the Tribunal, given in the Council Chamber, and with the concurrence of the "Procureur" of the Republic, to perform the duties of counsel before that Tribunal.

Art. 11. The Tribunal of Tunis shall be composed of a President, three full ("titulaires") Judges, two Deputy Judges, a "Procureur" of the Republic, a substitute, and a Clerk of the Court ("Greffier").

One of the Judges, appointed by the Minister of Justice, shall fulfil the duties of Examining Magistrate.

The number of the Judges and substitutes shall be liable to augmentation, and Assistant Clerks may be appointed by Decrees issued in conformity with the Regulations of Public Administration.

Art. 12. The Magistrates' Courts shall be composed of a Judge of the Peace, of one or more Assistants, and of a Clerk of the Court ("Greffier").

An officer of the Judiciary Police shall discharge the duties of Public Prosecutor.

Art. 13. Interpreters shall be attached to the Tribunals and Magistrates' Courts.

Art. 14. The Decrees nominating and removing Magistrates, Ministerial officers, and interpreters, shall be issued upon the proposal of the Keeper of the Seals, Minister of Justice.

Art. 15. The Magistrates composing the Tribunals established in Tunis, the Clerks of the Court ("Greffiers"), the subordinate clerks ("commis greffiers"), and interpreters attached to these Tribunals, shall be subject to the Laws and Regulations which govern the Algerian Magistracy ("juridictions Algériennes").

The qualifying conditions with respect to age and intelligence shall be the same as those required in Algeria for the exercise of corresponding duties.

Their salaries shall be fixed in accordance with the scale attached to this Law.

Art. 16. The functions of notary shall continue to be discharged in the Regency by the French Consular Agents, until the notarial service shall have been organized by a Decree of Public Administration.

Art. 17. The Tariff of judicial expenses in civil and criminal matters shall be fixed by a Decree of Public Administration.

Until the issue of this Decree of the Public Administration, the Tribunals shall make use of the Tariffs in force in Algeria.

Art. 18. All Regulations affecting Consular jurisdiction, now applicable in the Regency of Tunis, shall be abrogated in so far as they are opposed to the preceding Regulations.

Art. 19. This Law shall be put into execution three days after its insertion in the "Journal Officiel" of the Tunisian Government.

This Law, considered and adopted by the Senate and Chamber of Deputies, shall be executed as Law of the State.

Done at Paris, the 27th March, 1883.

(Signed)

JULES GRÉVY.

By the President of the Republic:

The Minister of Foreign Affairs,

(Signed) CHALLEMEL-LACOUR.

The Keeper of the Seals, Minister of Justice and Public Worship,

(Signed) F. MARTIN-FEUILLÉE.

LEGISLATIVE Table annexed to the Law providing for the organization of French jurisdiction in Tunis, fixing the salary of the Magistrates and of the Staff of the French Judicial Body in Tunis.

TRIBUNAL OF TUNIS.

						Francs.
President	..	..	..	..	..	12,000
Examining Magistrate	..	..	..	..	..	8,800
Judge	..	..	..	..	..	8,000
Assistant Judge	..	..	..	..	..	2,400
Procureur of the Republic	..	..	..	..	..	12,000
Deputy	..	..	..	..	..	8,000
Clerk of the Court (Greffier)	..	..	..	..	..	4,000
Subordinate ditto	..	..	..	..	..	3,000
Interpreter	..	..	..	..	..	3,400

MAGISTRATES' COURT.

Justice of the Peace	..	..	..	..	..	5,000
Clerk of the Court	..	..	..	..	..	3,500
Interpreter	..	..	..	..	..	3,000
Officer of the Judicial Police	..	..	..	..	..	3,500

Sanctioned as annexed to the Law of the 27th March, 1883, debated and adopted by the Senate and Chamber of Deputies.

The President of the Republic,

(Signed) JULES GRÉVY.

By the President of the Republic:

The Minister of Foreign Affairs,

(Signed) CHALLEMEL-LACOUR.

The Keeper of the Seals, Minister of Justice and Public Worship,

(Signed) F. MARTIN-FEUILLÉE.

Inclosure 2 in No. 19.

Decree of His Highness the Bey of Tunis, dated May 5, 1883.

PAR notre Décret du 10 Djoumadi-El-Tani, 1300, nous avons promulgué dans la Régence la Loi Française du 27 Mars, 1883, établissant des Tribunaux Français en Tunisie. Nous avons entendu que plusieurs des Puissances amies dont les Consuls, en vertu des Capitulations et des Traitéés passés avec nos prédecesseurs ont été investis de certains pouvoirs judiciaires, sont disposées à renoncer à ce privilège si leurs nationaux deviennent justiciables des Tribunaux Français récemment installés.

L'Article 2 de la Loi du 27 Mars, 1883, nous permet d'étendre la compétence de ces Tribunaux avec l'assentiment du Gouvernement Français.

Nous étant assuré de cet assentiment, nous prenons le Décret suivant:—

Article unique.—Les nationaux des Puissances amies dont les Tribunaux Consulaires seront supprimés deviendront justiciables des Tribunaux Français dans les mêmes conditions que les Français eux-mêmes.

(Translation.)

BY our Decree of the 10th Djoumadi El Tani, 1300, we promulgated in the Regency the French Law of the 27th March, 1883, establishing French Tribunals in Tunis. We have been informed that several of the friendly Powers whose Consuls, by virtue of the Capitulations and Treaties negotiated with our predecessors, have been invested with certain judiciary powers, are disposed to renounce this privilege, if their subjects become amenable to the jurisdiction of the French Tribunals recently established.

Article 2 of the Law of the 27th March, 1883, allows us to extend the competence of these Tribunals with the assent of the French Government.

Being assured of this assent, we make the following Decree:—

Sole Article.—The subjects of the friendly Powers whose Consular Tribunals shall be suppressed shall become amenable to the jurisdiction of the French Tribunals under the same conditions as the French themselves.

Inclosure 3 in No. 19.

Decree relative to the Conditions under which the Assessors of the Tribunal of Tunis shall be appointed, when Criminal Matters are dealt with.

LE Président de la République Française,

Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes;

Vu l'Article 4, paragraphes 3 et 4, de la Loi du 27 Mars, 1883, portant organisation de la juridiction Française en Tunisie,

Le Conseil d'Etat entendu,

Décrète:

Article 1^{er}. La liste générale des Assesseurs est composée de 150 noms et divisée en trois catégories distinctes:

La première catégorie comprend les noms des Assesseurs Français;

La seconde, les noms des Assesseurs de nationalité étrangère;

La troisième, le nom des Assesseurs indigènes.

Le nombre des Assesseurs de chaque catégorie est de cinquante.

Art. 2. Ces listes sont dressées par une Commission composée, savoir:—

En ce qui concerne la désignation des Assesseurs Français: (1) du Résident de France à Tunis, ou de son représentant, Président; (2) du Président du Tribunal; (3) du Procureur de la République; (4) du Consulat-Général de France ou, à son défaut, d'un fonctionnaire désigné par le Ministre des Affaires Etrangères; (5) du premier Député de la nation.

En ce qui concerne la désignation des Assesseurs de nationalité étrangère: (1) du Résident de France à Tunis, ou de son représentant, Président; (2) du Président du Tribunal; (3) du Procureur de la République; (4) de deux Notables, désignés par les Représentants des Puissances Etrangères.

En ce qui concerne la désignation des Assesseurs indigènes: (1) du Résident de France à Tunis, ou de son représentant, Président; (2) du Président du Tribunal; (3) du Procureur de la République; (4) de deux fonctionnaires ou Notables, désignés par Décret de Son Altesse le Bey.

Art. 3. Les listes sont dressées en double exemplaire: un exemplaire est déposé au greffe du Tribunal, l'autre reste aux archives de la Résidence.

Les listes sont permanentes jusqu'à leur renouvellement.

Art. 4. La liste des Assesseurs Français sera dressée, dès la promulgation du présent Décret.

Celles des Assesseurs étrangers et des Assesseurs indigènes seront dressées, lorsque des Arrêtés ou Décrets de Son Altesse le Bey, rendus avec l'assentiment du Gouvernement Français, auront étendu la compétence du Tribunal aux ressortissants d'autres Puissances ou aux indigènes.

Les Commissions instituées en l'Article 2 sont convoquées, chaque année, par le Résident de France, dans le courant du mois de Décembre pour procéder au renouvellement des listes d'Assesseurs.

Art. 5. Les premières listes dressées en exécution du présent Règlement auront leur application jusqu'au 31 Décembre suivant. Les listes ultérieurement dressées seront appliquées du 1^{er} Janvier au 31 Décembre de chaque année.

Art. 6. Les Assesseurs sont choisis parmi les personnes âgées de 30 ans au moins et d'une honorabilité reconnue.

Art. 7. Les fonctions d'Assesseurs sont incompatibles avec celles de fonctionnaires Français ou étranger en Tunisie, de militaire et marin en activité de service, de fonctionnaire Tunisien, civil ou militaire.

Ne peuvent être Assesseurs les domestiques ou serviteurs à gages.

Art. 8. Un mois au moins avant l'ouverture de chaque session criminelle, le Président du Tribunal tire au sort, en Chambre du Conseil, sur les listes générales et à raison de dix pour chaque catégorie, les noms des Assesseurs qui seront appelés, pendant la dite session, à compléter le Tribunal.

Art. 9. Les six personnes, dont les noms seront sorties les premiers, sur la liste de la première catégorie, sont désignées comme Assesseurs de la session prochaine. Les quatre autres sont appelées, en suivant l'ordre du tirage au sort, à remplacer les Assesseurs décédés, et ceux qui justiferaient d'une cause d'empêchement, par suite d'absence ou de maladie, ou qui auraient été frappés d'une condamnation pénale depuis le renouvellement de la liste ou seraient sous le coup de poursuites criminelles.

Si l'accusé ou l'un des accusés est Français, les Assesseurs titulaires ou leurs suppléants siégeront comme adjoints au Tribunal.

Si les accusés sont de nationalité étrangère, le Président du Tribunal appelle à siéger avec les trois premiers Assesseurs Français les trois Assesseurs étrangers, dont les noms sont sortis les premiers sur la liste de la seconde catégorie.

Si les accusés sont indigènes, le Président du Tribunal pourvoit également au remplacement des trois derniers Assesseurs Français par l'adjonction des trois Assesseurs indigènes dont les noms sont sortis les premiers sur la liste de la troisième catégorie.

Si les accusés sont, les uns des étrangers et les autres des indigènes, les trois derniers Assesseurs Français seront remplacés par deux Assesseurs étrangers et un Assesseur indigène dans l'ordre du tirage au sort.

Il est pourvu au remplacement des Assesseurs étrangers ou indigènes décédés, absents, malades, condamnés ou poursuivis, par l'appel des Assesseurs désignés après eux par le sort et dans l'ordre du tirage.

Art. 10. Les noms des Assesseurs qui auront rempli leurs fonctions durant une session ne seront pas compris dans les autres tirages de l'année courante.

Art. 11. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 14 Avril, 1883.

(Signé)

JULES GRÉVY.

Far le Président de la République :

Le Garde des Sceaux, Ministre de la Justice et des Cultes,

(Signé) F. MARTIN-FEUILLÉE.

(Translation.)

THE President of the French Republic, on the report of the Keeper of the Seals, Minister of Justice and Public Worship;

In view of Article 4, paragraphs 3 and 4, of the Law of the 27th March, 1883, providing for the organization of French jurisdiction in Tunis

With the concurrence of the Council of State,

Decrees :

Article 1. The general list of Assessors shall be composed of 150 names, and divided into three distinct categories :—

The first category shall comprise the names of the French Assessors ;

The second, the names of the Assessors of foreign nationality ;

The third, the names of native-born Assessors.

The number of Assessors in each category shall be fifty.

Art. 2. These lists shall be drawn up by a Commission composed as follows :—

As regards the appointment of the French Assessors : (1) the Resident of France at Tunis, or his representative, President ; (2) the President of the Tribunal ; (3) the Procurator of the Republic ; (4) the Consul-General of France, or, in default of him, a functionary designated by the Minister for Foreign Affairs ; (5) the first Deputy of the nation.

As regards the appointment of Assessors of foreign nationality : (1) the Resident of France at Tunis, or his representative, President ; (2) the President of the Tribunal ; (3) the Procurator of the Republic ; (4) two Notables appointed by the Representatives of the Foreign Powers.

As regards the appointment of the native-born Assessors : (1) the Resident of France

[116]

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at Tunis, or his representative, President ; (2) the President of the Tribunal ; (3) the Procurator of the Republic ; (4) two functionaries or Notables appointed by Decree of His Highness the Bey.

Art. 3. The lists shall be drawn up in duplicate : one copy shall be deposited in the Clerk of the Court's office ("greffe"), the other shall remain in the archives of the Residency.

The lists shall be permanent until their renewal.

Art. 4. The list of the French Assessors shall be drawn up upon the promulgation of the present Decree.

The lists of the foreign Assessors and of the native-born Assessors shall be drawn up when the Statutes or Decrees of His Highness the Bey, given with the consent of the French Government, shall have extended the competence of the Tribunal to those under the jurisdiction of other Powers or to natives.

The Commissions instituted by Article 2 shall be convoked every year by the French Resident during the month of December, to proceed to the renewal of the list of Assessors.

Art. 5. The first lists drawn up in compliance with the present Regulation shall remain in force until the 31st December next. The lists subsequently drawn up shall be in force from the 1st January to the 31st December every year.

Art. 6. The Assessors shall be selected from amongst persons of at least 30 years of age, and of acknowledged respectability.

Art. 7. The functions of Assessors shall be incompatible with those of French or foreign officials in Tunis, of soldiers or sailors on active service, or of Tunisian functionaries, whether civil or military.

Neither domestics nor hired servants shall be eligible as Assessors.

Art. 8. At least a month before the opening of every criminal session, the President of the Court shall select by lot, in the Council Chamber, from the general lists, taking ten from each category, the names of the Assessors who shall be summoned, during the said session, to complete the Bench.

Art. 9. The six persons whose names shall be drawn first from the list of the first category shall be appointed Assessors for the following session. The four others shall be summoned, in order of lot, to replace such Assessors as may be deceased, or as may be able to show cause why they are not able to attend, whether through absence or indisposition, or such as may have been penally convicted since the list was last drawn up, or as may be under criminal prosecution.

If the accused, or one of the accused, is French, the Assessors nominated ("titulaires"), or their substitutes, shall take their seats as assistant members of the Tribunal.

If the accused are of foreign nationality, the President of the Tribunal shall summon the three foreign Assessors whose names were drawn first from the list of the second category to take their seats with the three first French Assessors.

If the accused are natives, the President shall in like manner provide substitutes for the three last French Assessors by the addition of the three native Assessors whose names were first drawn from the list of the third category.

If the accused are, some of them foreigners and others natives, the three last French Assessors shall be replaced by two foreign Assessors and one native Assessor in order of lot.

Provision shall be made for the replacement of foreign or native Assessors who may be deceased, absent, indisposed, convicted, or under prosecution, by a summons of the Assessors who were chosen next to them in order of lot.

Art. 10. The names of the Assessors who shall have fulfilled their duties during one session shall not be included in the other drawings for the current year.

Art. 11. The Keeper of the Seals, Minister of Justice and Public Worship, is charged with the execution of the present Decree.

Done at Paris, the 14th April, 1883.

(Signed) JULES GRÉVY.

By the President of the Republic :

The Keeper of the Seals, Minister of Justice and Public Worship,

(Signed) F. MARTIN-FEUILLÉE.

Inclosure 4 in No. 19.

Decree.

LE Président de la République Française,

Sur le rapport du Garde des Sceaux, Ministre de la Justice et des Cultes,

Vu la Loi du 27 Mars, 1883, portant organisation de la juridiction Française en Tunisie, et institution de six Justices de Paix, qui auront leur siège à Tunis, Bizerte, la Goulette, Kef, Sousse, et Sfax ;

Le Conseil d'État entendu,

Décrète :

Article 1^{er}. Le ressort de la Justice de Paix de Tunis comprend le cercle militaire de Tunis (moins la partie de cercle réservée à la Justice de Paix de la Goulette), et les cercles militaires d'Aïn-Tonga et de Zaghouan.

Le ressort de la Justice de Paix de Bizerte comprend le cercle militaire de Bizerte, l'annexe de Mâture, et le cercle de Béja.

Le ressort de la Justice de Paix de la Goulette comprend la partie du cercle de Tunis située entre la mer et une ligne déterminée par Kamart, l'Aouïna, l'Oued Méliana, et la limite du cercle de Zaghouan.

Le ressort de la Justice de Paix du Kef comprend les cercles militaires d'Aïn Drahm, de Ghardimaou, du Kef, et l'annexe de Fériana.

Le ressort de la Justice de Paix de Sousse comprend les cercles militaires de Sousse, de Kairouan, de Mahadia, et de Hamada.

Le ressort de la Justice de Paix de Sfax comprend les cercles militaires de Sfax, de Djilma, de Mahârâs, de Gabes, d'El-Aiacha, l'annexe de Tozeur, et les cercles de Gafsa, et de Djerba-Ksar-Moutenim.

Art. 2. Le Garde des Sceaux, Ministre de la Justice et des Cultes, est chargé de l'exécution du présent Décret.

Fait à Paris, le 14 Avril, 1883.

(Signé)

JULES GRÉVY.

Par le Président de la République :

Le Garde des Sceaux, Ministre de la Justice et des Cultes,

(Signé) F. MARTIN-FEUILLE.

(Translation.)

THE President of the French Republic,

Upon the Report of the Keeper of the Seals, Minister of Justice and of Public Worship ;

Considering the Law of the 27th March, 1883, providing for the organization of French jurisdiction in Tunis, and for the establishment of six Magistrates' Courts ("Justices de Paix"), which shall be fixed at Tunis, Bizerta, Goletta, Kef, Susa, and Sfax ;

With the concurrence of the Council of State,

Decrees :

Article 1. The jurisdiction of the Tunis Magistrates' Court shall comprehend the military district of Tunis (minus that part of the district which is set apart for the Goletta Magistrates' Court), and the military districts of Aïn-Tonga and Zaghouan.

The jurisdiction of the Bizerta Magistrates' Court shall comprehend the military district of Bizerta, the "annexe" of Mâture, and the district of Béja.

The jurisdiction of the Goletta Magistrates' Court shall comprehend that part of the district of Tunis which is situated between the sea and a line traced out by Kamart, Aouïna, Oued Méliana, and the boundary of the Zaghouan district.

The jurisdiction of the Kef Magistrates' Court shall comprise the military districts of Aïn Drahm, Ghardimaou, Kef, and the "annexe" of Fériana.

The jurisdiction of the Susa Magistrates' Court shall comprise the military circles of Susa, Kairouan, Mahadia, and Hamada.

The jurisdiction of the Sfax Magistrates' Court shall comprise the military districts of Sfax, Djilma, Mahârâs, Gabes, El-Aiacha, the "annexe" of Tozeur, and the circles of Gafsa and Djerba-Ksar-Moutenim.

Art. 2. The Keeper of the Seals, Minister of Justice and of Public Worship, is charged with the execution of the present Decree.

Done at Paris, the 14th April, 1883.

(Signed)

JULES GRÉVY.

By the President of the Republic :

The Keeper of the Seals, Minister of Justice and of Public Worship,

(Signed) F. MARTIN-FEUILLE.

No. 20.

Earl Granville to M. Tissot.

My Lord,

Foreign Office, May 14, 1883.

I HAVE the honour to acknowledge the receipt of the *note verbale* dated the 10th instant, which was left at this Office by Count d'Aunay, relative to the establishment of French Tribunals in Tunis, and I hasten to assure your Excellency that the proposals of the French Government on the subject shall receive the attentive consideration of that of Her Majesty.

I have, &c.

(Signed)

GRANVILLE.

No. 21.

Earl Granville to Viscount Lyons.

My Lord,

Foreign Office, May 19, 1883.

I INCLOSE, for your Excellency's information, copy of a *note verbale* left with me by the French Chargé d'Affaires on the 10th instant, inclosing the text of the French Law of the 27th March, establishing French jurisdiction in Tunis, a copy of a Decree of the Bey of Tunis, issued on the 5th instant, and two French Regulations relating to the same subject.*

I am, &c.

(Signed)

GRANVILLE.

No. 22.

Earl Granville to Viscount Lyons.

My Lord,

Foreign Office, June 4, 1883.

THE French Ambassador called upon me by appointment this afternoon, and asked me whether I could tell him the decision of Her Majesty's Government with regard to the proposed abandonment of Consular jurisdiction in Tunis and the recognition of the new Courts established there, adding that M. Challemel-Lacour would consider it a favour to have an early answer.

I said that the matter involved various considerations, and had been in the hands of the several Departments interested. I hope to be able to communicate our reply to the French Government very shortly, and there would be no unnecessary loss of time.

M. Tissot said that he trusted that we should accept the French proposals in this case, in the same way as the French Government had accepted ours with regard to Cyprus.

I said that I could not give him detailed information at present, but that the reply would in substance be favourable, though it would be necessary for us to make certain reserves.

M. Tissot then asked if I had any communication to make to him.

I asked him if he had instructions to speak to me on any subject.

His Excellency replied that he had not, but that he had thought it possible that I might wish to make some statement to him.

I said that I was not aware at the moment of anything that I wished to say.

I am, &c.

(Signed)

GRANVILLE.

No. 23.

Earl Granville to Viscount Lyons.

My Lord,

Foreign Office, June 12, 1883.

THE French Ambassador in conversation to-day returned to the subject of the abandonment of the Capitulations in Tunis.

* No. 19.

I told his Excellency that I hoped to be able within a very short time indeed to communicate to him our decision, and to discuss with him the details. I said that I could not do so officially to-day, but that I might mention that our principle was to give full scope to the French Tribunals, without, however, giving up altogether the Capitulations.

M. Tissot pressed for the earliest possible answer. He said it was of the greatest importance to the French Government, as they were at present crippled in their action, even for the defence of foreigners in Tunis. He begged to suggest that it would be a mistake to reserve the present powers of the Consuls. It was a personal question with the Consuls themselves, but was opposed to the wishes of the English colony generally.

I promised to lose no time in communicating officially with his Excellency on the subject.

I am, &c.
(Signed) GRANVILLE.

No. 24.

Viscount Lyons to Earl Granville.—(Received June 14.)

My Lord,

Paris, June 13, 1883.

WITH reference to your Lordship's despatch of the 4th instant, I have the honour to inform you that M. Challemel-Lacour spoke to me this afternoon of the question of the abandonment of Consular jurisdiction in Tunis.

He said that, by his order, M. Tissot, the French Ambassador in London, had earnestly begged your Lordship to communicate to him without delay the answer of Her Majesty's Government to the application on the subject made to them by the Government of the Republic.

M. Challemel-Lacour requested me to impress upon your Lordship the great urgency of the matter in the eyes of the French Government. Not only was it, he said, very important, with a view to establishing an orderly and efficient administration in Tunis, that the present uncertainty on this subject should be put an end to, but the occurrences of every day showed that it was essential to the public safety that the question of jurisdiction should at once be permanently and satisfactorily settled. Marauders went about, even in the town of Tunis, in bands, and appealed to the jurisdiction of their Consuls when endeavours were made to punish them.

M. Challemel-Lacour went on to say that your Lordship, while holding out to M. Tissot hopes of sending him shortly a favourable answer, had spoken of reservations. If it were necessary that reservations should be made, it was, M. Challemel-Lacour remarked, very important to the French Government to be made acquainted with the nature of them as soon as possible. The delay in the matter was, M. Challemel-Lacour said in conclusion, doing incalculable harm, and he trusted that Her Majesty's Government would be anxious not to protract it.

I promised his Excellency to report immediately to your Lordship what he had said.

I have, &c.
(Signed) LYONS.

No. 25.

Sir J. Walsham to Earl Granville.—(Received June 18.)

My Lord,

Berlin, June 13, 1883.

ON the 11th instant a Bill was laid by the Chancellor before the Reichstag empowering His Majesty the Emperor, with the assent of the Federal Council, to curtail or abolish the jurisdiction hitherto exercised by the German Consul in the Regency of Tunis, and on the 12th instant it was read a third time and passed without amendments. I have the honour to inclose herewith copy and translation of it.

Affixed to the Bill is a Memorandum drawn up by the Bundesrath explaining the reasons which have induced the Imperial Government to take this step.

After pointing out that, by the French Law of the 27th March last, the French Consular Courts in Tunis were replaced by six Courts presided over by Justices of the Peace and by a Court of First Instance sitting at Tunis, subject to an appeal to the

Court of Second Instance at Algiers, the Memorandum states that on the 5th ultimo a Beylical Decree was published, by which the subjects of those Powers who might renounce their Consular jurisdiction were placed under the jurisdiction of the new French Tribunals.

The French Government have further expressed a wish that the German Government should renounce their Consular jurisdiction in the Regency; and, having regard to the existing state of things in Tunis, action similar to that taken in the analogous case of Bosnia "would seem to be indicated." Should the Consular jurisdiction be accordingly abolished, German subjects in the Regency will enjoy the same privileges as they do now in Algeria.

Finally, the Memorandum recommends that, following former precedents, the further Regulations as to the curtailment or abolition of the German Consular jurisdiction in Tunis should be settled by Imperial Ordinance, issued with the assent of the Bundesrath.

I have, &c.
(Signed) JOHN WALSHAM.

Inclosure in No. 25.

Bill respecting Consular Jurisdiction in Tunis.

(Translation.)

WE, William, &c., &c., ordain, in the name of the Empire, with the consent of the Bundesrath and Reichstag, as follows:—

The jurisdiction appertaining to the Consul for the German Empire at Tunis for the Regency of Tunis may, with the assent of the Bundesrath, be restricted or set completely out of force.

Given, &c.

No. 26.

Mr. Stuart to Earl Granville.—(Received June 19.)

My Lord,

The Hague, June 15, 1883.

M. VAN DER DOES DE WILLEBOIS informed me yesterday that the Netherlands Government had agreed to accept the jurisdiction of the French Tribunals, in lieu of the Consular jurisdiction hitherto exercised, in Tunis.

I have, &c.
(Signed) W. STUART.

No. 27.

Earl Granville to M. Tissot.

M. l'Ambassadeur,

Foreign Office, June 20, 1883.

IN my note to Count d'Aunay of the 14th ultimo I had the honour to acknowledge the receipt of the *note verbale*, which he was good enough to place in my hands on the 10th May, inclosing the text of the French Law establishing French jurisdiction in Tunis, of a Decree of the Bey authorizing that measure, and of two administrative Regulations on the same subject. The note expressed the desire of the French Government that British subjects residing in the Regency should be in future amenable to the new jurisdiction thus created.

The question of the abandonment of the Queen's ex-territorial jurisdiction over British subjects in the Regency of Tunis, which is vested in Her Majesty under the Capitulations and recent Treaties, has occupied the careful attention of Her Majesty's Government; and the examination of the documents inclosed in Count d'Aunay's note has suggested some inquiries into their precise meaning and effect, which I desire to submit to your Excellency, with the request that you will be good enough to furnish me, at your convenience, with the further information required by Her Majesty's Government. All those inquiries being more or less of a technical nature, I have thought it more convenient to present them in the form of a Memorandum, which I have the honour to inclose.

As I have had occasion to inform your Excellency in the course of conversation on this subject, Her Majesty's Government are quite disposed to waive the rights of this country, under the Capitulations and Treaties, to the extent which may be required to give full scope to the exercise of civil and criminal jurisdiction over British subjects by the new French Tribunals.

They do not, however, believe that it would be expedient to extend the change beyond what is required by the circumstances of the case, and they lay much stress, for instance, on the maintenance of those privileges and immunities which are enjoyed by Consular officers in the East, and which partake of the character of those accorded to Diplomatic Agents in Europe.

Subject to these reserves, and to the explanations which your Excellency may be good enough to furnish me on the points referred to in the inclosed Memorandum, Her Majesty's Government will have much pleasure in acceding to the request of the French Government, and will take the proper measures to relieve Her Majesty's Consular officers in the Regency of their judicial functions as soon as the other foreign Governments represented in Tunis have signified their willingness to adopt a similar course.

I have, &c.
(Signed) GRANVILLE.

Inclosure in No. 27.

Memorandum respecting the Law of March 27, 1883, establishing French Tribunals in the Regency of Tunis.

ARTICLE 2. The effect of the reference to the Court of Algeria is not clear. There is no express provision in relation to appeals, yet it is presumed that British subjects will have a right of appeal in civil and commercial cases, and it would be desirable to have information as to the Court to which such appeal would lie, and the conditions under which it may be carried on.

Art 4. No provision appears to be made as to appeal in criminal cases. It would be desirable, therefore, to obtain information as to the process applicable as regards the revision of sentences, the mitigation of punishment, and the grant of pardons.

Art. 5. This Article seems to call for explanation on the following point:—

Is the effect of it that part of the process in a criminal case against a British subject is to be that he is to be taken to Algiers, and then brought back to Tunis for actual trial?

Art. 10. The following inquiries are suggested by this Article:—

What are the dispositions of the Arrêté Ministériel of the 26th November, 1841?

What is to be understood by the term "défenseur"?

Are British advocates now in Tunis to be limited to the functions of "défenseur"?

This last inquiry appears especially important in view of paragraph 8 of the "Exposé des Motifs" annexed to the Bill (when brought into the Senate on the 25th January last), in which it appears to have been assumed that there would be an abandonment of the Capitulations.

Presidential Decree of April 14, 1883.

Art. 9, paragraph 3. It is stated that if the accused are of foreign nationality, there are to be three foreign as well as the three French Assessors.

In the event of the accused being a British subject, is he to have three British Assessors? If not, it appears to Her Majesty's Government that a British subject should have the right to reject the three foreign Assessors, confiding his interests to the three French, if not to six French Assessors.

General Observations.

The following points also require elucidation:—

What is to be the state of the law as to the immovable property, having regard to the vested interests of present holders of land, and to the provisions of the Anglo-Tunisian Convention of the 10th October, 1863, and to Article IV of the Treaty between France and Tunis of the 12th May, 1881?

What is to be the position of British protégés?

[116]

E

Will the immunities and privileges attaching to the persons and residences of Consular officers be sufficiently secured without any legislative provision on the subject?

No. 28.

Earl Granville to Viscount Lyons.

My Lord,

Foreign Office, June 21, 1883.

IN my despatch of the 19th ultimo I transmitted to your Excellency, for your information, a copy of the *note verbale* left with me by Count d'Aunay on the 10th of that month, inclosing the text of the French Law of the 27th March, establishing French jurisdiction in Tunis, and other documents connected therewith.

I now inclose, for your Excellency's further information, a copy of a letter which I have addressed to M. Tissot, communicating to his Excellency the views of Her Majesty's Government in regard to the question of the abandonment by them of the right of British Consular jurisdiction in Tunis, and inclosing a Memorandum of certain points on which Her Majesty's Government are desirous of receiving further information in regard to the interpretation or bearing of various Articles of the French Law.*

I am, &c.

(Signed) GRANVILLE.

No. 29.

Reply to the Memorandum annexed to the Letter from the Foreign Office of June 20, 1883.—(Communicated to Earl Granville by Count d'Aunay, July 20.)

Loi du 27 Mars, 1883.

ARTICLE 2. L'Article 2 de la Loi du 27 Mars, 1883, rattachant le Tribunal de Tunis au ressort de la Cour d'Appel d'Alger, il en résulte que cette Cour connaîtra des appels interjetés contre les Jugements du Tribunal de Tunis. Aux termes de l'Article 7 de la même Loi, les règles de Procédure actuellement en vigueur en Algérie s'appliqueront dans cette circonstance.

Art. 4. En ce qui concerne les causes criminelles, le droit d'appel proprement dit n'existe pas dans tous les cas en France. Il faut distinguer suivant qu'il s'agit de délits justiciables du Tribunal Correctionnel ou de crimes justiciables de la Cour d'Assises. Dans le premier cas seul on peut en appeler. La Cour d'Appel est alors compétente comme en matière civile ou commerciale. Les Jugements prononcés par le Tribunal de Tunis statuant au correctionnel pourront donc faire l'objet d'un appel devant la Cour d'Alger.

En matière de crimes où les Cours d'Assises sont compétentes, il n'y a pas d'autre recours possible contre leurs décisions qu'un pourvoi en Cassation pour violation de la loi. Il en sera de même à Tunis dans le cas où le Tribunal assisté d'Assesseurs constitue une véritable Cour d'Assises. Le pourvoi à la Cour de Cassation de Paris sera introduit sous les mêmes formes qu'en France et en Algérie.

Des mesures d'atténuation ou de remise de peine pourront être prises en Tunisie à la suite des Jugements correctionnels ou criminelles du Tribunal, comme en France, par le Président de la République.

Art. 5. L'Arrêt de Renvoi d'un accusé devant la Cour d'Assises est un acte d'instruction rendu par la Cour d'Appel, en dehors de l'accusé, sur le vu des pièces d'information. Le sujet Britannique arrêté sous l'inculpation d'un fait qualifié crime, ne sera pas transporté à Alger, mais il attendra à Tunis le moment de comparaître devant le jury, si la Chambre des Mises en Accusation de la Cour d'Appel d'Alger ordonne, sur le vu des pièces d'instruction, son renvoi devant les Assises.

Il y a là une garantie pour l'accusé qui ne peut être renvoyé aux Assises que s'il y a contre lui, d'après les renseignements de l'instruction, présomption suffisante de culpabilité. Cet examen doit être fait par des magistrats différents de ceux qui ont réuni ces renseignements.

Art. 10. L'Arrêté du 26 Novembre, 1841, établit en Algérie des défenseurs mandataires autorisés à représenter les parties devant les Tribunaux.

Les défenseurs remplissent, en même temps, les fonctions d'avoués et celles d'avocats. Ils joignent la postulation à la plaidoirie.

Le rôle des avocats Anglais, exerçant actuellement à Tunis et qui seront, par Décret, autorisés à exercer la profession de défenseurs, ne pourra donc être restreint mais bien plutôt étendu. Le titre de défenseur va être accordé à trois avocats Anglais par un Décret déjà préparé.

Décret du 14 Avril, 1883.

Art. 9. § 3. La Loi du 27 Mars, 1883, n'établit ici qu'une règle absolue, c'est que les accusés Français seront jugés par des Assesseurs Français. Pour le reste elle a délégué au Gouvernement le soin d'organiser par Règlement d'Administration Publique les détails de l'organisation du Tribunal d'Assesseurs. C'est ce qui a été fait par le Décret du 14 Avril, 1883. Ce Décret a consacré, au profit des étrangers, une garantie qui consiste à composer les Assesseurs moitié de Français, moitié d'étrangers, ainsi que cela s'est pratiqué longtemps en Angleterre pour le jury. C'est une faveur pour les étrangers ; il n'est pas douteux que ceux-ci peuvent y renoncer et demander l'application du droit commun.

Observations générales.

En ce qui concerne le régime de la propriété immobilière et l'application des lois qui s'y réfèrent, aucune modification n'est apportée au régime antérieur, les Tribunaux Français étant simplement substitués aux Tribunaux Consulaires : il n'est rien changé aux conditions et règles des contrats ; aucune atteinte n'est portée aux droits acquis ni au régime institué par la Convention du 10 Octobre, 1863.

Rien ne sera changé à la situation des protégés. Ils se trouvent seulement, comme les sujets Britanniques eux-mêmes, justiciables des Tribunaux Français.

Le maintien des immunités et priviléges en faveur des Agents Consulaires et de leur résidence résulte d'un ensemble de règles internationales auxquelles il n'est pas question de déroger en quoi que ce soit.

(Translation.)

Law of the 27th March, 1883.

ARTICLE 2. As Article 2 of the Law of the 27th March, 1883, attaches the Tribunal of Tunis to the jurisdiction of the Court of Appeal of Algiers, it results that this latter Court will deal with appeals formulated against Judgments of the Tribunal of Tunis. According to the terms of Article 7 of the same Law, the rules of procedure at present in force in Algeria will apply in this case.

Art. 4. As regards criminal actions, the right of appeal, properly so-called, does not exist in every case in France. A distinction must be made between offences coming under the jurisdiction of the Court for the trial of misdemeanours ("Tribunal Correctionnel") and crimes coming under the jurisdiction of the Court of Assizes. An appeal can be made in the case of the former only. The Court of Appeal is in such case competent, as in civil or commercial matters. Judgments pronounced by the Tribunal of Tunis, sitting as a Court for the trial of misdemeanours, can therefore be appealed against before the Court of Algiers.

In the case of crimes which the Courts of Assizes are competent to deal with, the only step against their decisions which is possible is an appeal to the Court of Cassation, on the ground of an infringement of the law. The same will be the case at Tunis in cases where the Tribunal, assisted by Assessors, constitutes a regular Court of Assizes. The appeal to the Court of Cassation of Paris will be introduced under the same forms as in France and in Algeria.

When the Tribunal has passed sentences for misdemeanours or crimes, measures for the mitigation or remission of punishment may be taken in Tunis, as in France, by the President of the Republic.

Art. 5. The decision as to sending an accused person before the Court of Assizes is an order ("acte d'instruction") delivered by the Court of Appeal, independently of the accused, upon inspection of the documents. A British subject arrested upon the charge of some act designated as a crime, will not be sent to Algiers, but will await at Tunis the time for appearing before the jury, if the Chamber of Indictments ("Mises en Accusation") of the Court of Appeal of Algiers, after inspection of the documents, orders his case to be sent before the Assizes.

There is here a guarantee in favour of the accused, who cannot be sent before the Assizes unless, according to the information available at the preliminary inquiry, there is

sufficient presumption of guilt against him. This examination must be made by other magistrates, not by those who have collected the information.

Art. 10. The Order of the 26th November, 1841, establishes in Algeria Counsel Attorneys ("Défenseurs Mandataires"), authorized to represent parties before the Tribunals.

The counsel perform the duties both of attorneys and of barristers. They combine attorneys' duties with pleading.

The sphere of action of the English advocates now practising at Tunis, who will, by Decree, be authorized to exercise the profession of counsel, will not, therefore, be restricted, but will rather be enlarged. The title of counsel is about to be granted to three English advocates by a Decree which has already been prepared.

Decree of April 14, 1883.

Art. 9, § 3. The Law of the 27th March, 1883, establishes here only an absolute rule, which is, that French prisoners shall be tried by French Assessors. As regards other matters, it delegated to the Government the duty of organizing by Regulations of Public Administration the details of the organization of the Tribunal of Assessors. This is what has been done by the Decree of the 14th April, 1883. This Decree has sanctioned, in favour of foreigners, a guarantee which consists in forming the body of Assessors, half of Frenchmen, and half of foreigners, as has long been the practice in England in the case of a jury. It is a favour granted to foreigners, and there can be no doubt that they can waive it, and demand the application of the common law.

General Observations.

As regards the system of real property, and the application of the laws which relate to it, no modification is made in the former system, the French Tribunals being simply substituted for the Consular Tribunals. No change is made in the conditions and forms of contracts, nor is there anything derogatory to acquired rights or to the system established by the Convention of the 10th October, 1863.

No change will be made in the position of protected subjects. They will only be, like British subjects themselves, amenable to the jurisdiction of the French Tribunals.

The maintenance of the immunities and privileges in favour of Consular Agents, and of their residence, is the result of a body of international rules, which it is not intended to modify in the least.

No. 30.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, November 16, 1883.

ON the 20th July last Count d'Aunay was good enough to place in my hands a Memorandum, containing the reply of the French Government on the various points referred to in the Memorandum attached to my note to M. Tissot of the 20th June last, on which Her Majesty's Government desired further information, bearing upon the precise meaning and effect of the French Law of the 27th March last, establishing French jurisdiction in Tunis.

Her Majesty's Government have, in communication with the Law Officers of the Crown, attentively considered the additional information on this subject, which the French Government have been good enough to furnish, and whilst accepting these explanations as on the whole satisfactory, I have to request, M. l'Ambassadeur, that you will inform your Government that there still remain some points as to which Her Majesty's Government consider that they are called upon to make reservations before surrendering British Consular jurisdiction in Tunis; but that, subject to the acquiescence of the French Government therein, they are prepared to abolish the British Consular jurisdiction in Tunis from the 1st January next.

Those reservations are:—

1. The right of British subjects to challenge assessors in the new Courts.
2. The admission of duly qualified British advocates to practise before the Courts, without this privilege being limited, as at present proposed, to those only who are now established in Tunis.
3. The extension to Great Britain of all privileges reserved to any other Power in connection with the new system of jurisdiction in Tunis.

4. The immediate settlement by arbitration, or otherwise, of outstanding claims of British subjects in Tunis.

5. The cesser of military jurisdiction over British subjects in cases cognizable by the Civil Tribunals.

With regard to this last condition, I would observe that in a recent note from M. Challemel-Lacour to Lord Lyons, dated the 19th ultimo, and relating to the case of the Maltese, Mangano, it was stated that it was the earnest desire of the French Government "de placer tous les habitants du pays sous le régime du droit commun," and the hope was expressed that Her Majesty's Government would not, by maintaining their Consular jurisdiction, retard the establishment of a more regular order of things.

Her Majesty's Government trust, therefore, that the Government of the Republic will see its way to meet their wishes in the matters above mentioned, and on receipt of a communication from your Excellency to that effect, they will take immediate steps to carry out the arrangement at the date above proposed.

I have, &c.
(Signed) GRANVILLE.

No. 31.

Earl Granville to Viscount Lyons.

My Lord, *Foreign Office, November 21, 1883.*

THE French Ambassador informed me to-day that he had been instructed to express the thanks of his Government for the note addressed to him on the 16th instant, agreeing to the abandonment of British Consular jurisdiction in Tunis from the 1st January next, subject to five reservations.

His Excellency stated that the French Government acceded to the 1st, 2nd, 3rd, and 5th reservations, though as regards the 1st and 2nd they had not yet decided how to carry them out; but that was a matter which only concerned them.

As regards the 4th reservation respecting the settlement of all outstanding claims by arbitration, they felt some difficulty, as in the case of Benayad (which his Excellency cited by way of illustration), in which the question in dispute related to title to land, which ought to be settled by the competent Tunisian Tribunal.

His Excellency asked to be furnished with a list of the British claims.

I am, &c.
(Signed) GRANVILLE.

No. 32.

Earl Granville to Viscount Lyons.

My Lord, *Foreign Office, December 11, 1883.*

THE French Ambassador called upon me this afternoon, and spoke to me of the great desire of his Government to come to an arrangement as regards the conditions upon which the assent of England to the abandonment of Consular jurisdiction in Tunis was made dependent. His Excellency said that the French Government would be ready to refer to arbitration the greater portion of the outstanding cases in which British subjects were concerned, and to adopt any reasonable plan for the settlement of the more complicated claims.

They were anxious to get the matter settled by the close of the year.

I am, &c.
(Signed) GRANVILLE.

No. 33.

Earl Granville to Dr. Arpa.

(Telegraphic.)

Foreign Office, December 28, 1883, 5.45 p.m.

AN Order in Council will be passed on the 31st instant abolishing the jurisdiction of Her Britannic Majesty's Court for Tunis on and after the 1st January next, except as to pending cases.

No new cases, therefore, should be taken by you after the 31st instant.

M. Waddington to Earl Granville.—(Received December 29.)

M. le Comte,

Londres, le 29 Décembre, 1883.

EN me référant à la lettre du 16 Novembre dernier, par laquelle votre Excellence a bien voulu me faire connaître dans quelles conditions le Gouvernement de Sa Majesté la Reine serait disposé à supprimer pour le 1^{er} Janvier prochain sa Cour Consulaire à Tunis, je suis heureux de vous faire savoir que le Gouvernement de la République ne voit aucune difficulté à accepter ces conditions.

Il n'y a, en réalité, que l'Article 4 de ces conditions qui ait nécessité quelques explications entre nous ; je me permettrai de rappeler à votre Excellence ce dont nous sommes tombés d'accord à cet égard.

Les contestations mobilières entre le Gouvernement Tunisien et des sujets ou protégés Anglais seront réglées à l'amicable, s'il est possible, et sinon soumises à un arbitrage.

Les arbitres seront choisis d'une part pour le Gouvernement Tunisien par le Gouvernement de la République, d'autre part pour les sujets ou protégés Anglais par le Gouvernement de Sa Majesté ; ils désigneront, en cas de désaccord, un tiers arbitre. (Les frais de l'arbitrage seront payés par les parties dans la proportion fixée par les arbitres.)

Il est bien entendu que ce règlement arbitral ne pourra en aucune façon revenir sur l'arrangement international du 23 Mars, 1870, et sur les décisions de la Commission Financière qui a été instituée dans l'intérêt des créanciers Européens par la France, la Grande-Bretagne, et l'Italie.

Par conséquent, ne peuvent être soumises à l'arbitrage les réclamations antérieures au dit arrangement : c'est-à-dire, celles qui étant de la compétence de la Commission, n'auront pas été présentées à la Commission avant le 20 Février, 1870, date à laquelle les dettes du Gouvernement Tunisien ont été irrévocablement arrêtées.

Dans le cas où il y aurait contestation entre les parties sur la question de savoir si une réclamation antérieure à la date du 23 Février, 1870, n'aurait pas été présentée en temps utile à la Commission Internationale, les arbitres, avant d'examiner quant au fond, consulteront la Commission.

Si celle-ci déclare que la réclamation n'a pas été présentée en temps utile, la réclamation ne sera pas soumise à l'arbitrage et restera déchue.

Si elle déclare, au contraire, que la réclamation lui a été présentée en temps utile, et s'il est établi que c'est par une cause dont le réclamant n'est pas responsable, qu'elle ne l'a pas classée, la réclamation sera jugée par les arbitres.

Si leur sentence condamne le Gouvernement, la réclamation sera renvoyée de nouveau à la Commission, afin qu'elle soit classée dans les conditions de l'arrangement du 23 Mars, 1870.

Veuillez, &c.
(Signé) WADDINGTON.

(Translation.)

My Lord,

London, December 29, 1883.

WITH reference to the letter of the 16th November last, in which your Excellency informed me of the conditions upon which the Government of Her Majesty the Queen would be willing to close her Consular Court in Tunis from the 1st January next, I am happy to inform you that the Government of the Republic has no difficulty in accepting those conditions.

In fact, only Article 4 of those conditions has necessitated some explanations between us. I will take this opportunity to recall to your Excellency the arrangement come to between us on this point.

Claims as to personal property between the Tunisian Government and English, or English-protected subjects, shall be arranged amicably, if it is possible, or else submitted to arbitration.

The arbitrators shall be chosen, on the one side, for the Tunisian Government, by the Government of the Republic ; and, on the other side, for the English, or protected English subjects, by Her Majesty's Government ; they will appoint, in case of disagreement, a third arbitrator. (The expenses of arbitration shall be borne by the litigants, in the proportion fixed by the arbitrators.)

It is agreed that this arrangement for arbitration shall not in any way interfere with the International Arrangement of the 23rd March, 1870, or with the decisions of the

Financial Commission which has been instituted in the interest of the European creditors by France, Great Britain, and Italy.

Consequently, claims anterior to the said arrangement cannot be submitted to arbitration; that is to say, those which, being within the province of the Commission, have not been presented to the Commission before the 20th February, 1870, at which date the debts of the Tunisian Government were definitively scheduled.

In cases where there should be dispute between the litigants as to whether a claim anterior to the date of the 23rd February, 1870, had been presented in proper time to the International Commission, the arbitrators, before examining into the merits of the case, shall consult the Commission.

If the Commission decide that the claim has not been presented in proper time, the claim shall not be submitted to arbitration, and shall remain lapsed.

If, on the contrary, the Commission declare that the claim has been presented in proper time, and if it is shown that it is from a cause for which the plaintiff is not responsible that it has not been classified, the claim shall be decided by the arbitrators.

If their sentence condemns the Government, the claim shall be again returned to the Commission, in order that it may be classified according to the conditions of the Arrangement of the 23rd March, 1870.

Accept, &c.
(Signed) WADDINGTON.

No. 35.

Mr. Peel to Sir J. Pauncefote.—(Received December 31.)

Sir,

Council Office, Whitehall, December 31, 1883.

I AM directed by the Lord President of the Council to transmit to you the inclosed Order of Her Majesty in Council of this day's date, having for its object the abandonment on and after the 1st January, 1884, of Her Majesty's Consular jurisdiction in the Regency of Tunis; and I am to request that you will be pleased to lay the same before the Secretary of State for Foreign Affairs.

I am, &c.
(Signed) C: L. PEEL.

Inclosure in No. 35.

Order in Council, dated December 31, 1883.

At the Court at Osborne House, Isle of Wight, the 31st day of December, 1883.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY.
His Royal Highness PRINCE LEOPOLD, Duke of Albany.
LORD PRESIDENT.
SIR HENRY PONSONBY.

WHEREAS by Treaty, Capitulation, grant, usage, sufferance, and other lawful means, Her Majesty the Queen has power and jurisdiction in the Regency of Tunis; and whereas the exercise of the power and jurisdiction aforesaid is now regulated by an Order of Her Majesty in Council, made the 12th day of December, 1873, and several amending Orders in Council, and by the Ottoman (Tunis) Order in Council of 1881, establishing Her Britannic Majesty's Court for Tunis; and whereas, by virtue of certain Laws of the French Republic and of certain Decrees of His Highness the Bey of Tunis, French Tribunals have been established in the Regency; and whereas, by a Decree of His Highness the Bey of Tunis, dated the 5th March, 1883, it is declared that the subjects of foreign Powers whose Consular Courts in the Regency shall be abolished, shall be justiciable by the said French Tribunals under the same conditions as French subjects; and whereas Her Majesty the Queen has consented to abandon her Consular jurisdiction, with a view to British subjects in the Regency becoming justiciable by the said French Tribunals under the same conditions as French subjects, and to the extent of the jurisdiction vested by law in the said Tribunals.

Now, therefore, Her Majesty, by virtue and in exercise of the Powers in this behalf

by the Foreign Jurisdiction Acts, 1843 to 1878, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:—

As regards all such matters and cases as come within the jurisdiction of the said French Tribunals, the operation of the Orders in Council regulating Her Majesty's Consular jurisdiction in Tunis shall cease to be in force and operation within the Regency on and after the 1st day of January, 1884, except as regards any judicial matters pending in Her Britannic Majesty's Court for Tunis on the day above mentioned.

And the Right Honourable the Earl Granville, one of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Treasury and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

(Signed) C. L. PEEL.

No. 36.

Earl Granville to Dr. Arpa.

(Telegraphic.)

(Extract.)

Foreign Office, December 31, 1883, 5:30 P.M.

I HAVE to request that you will, if you should not have done so already, inform French Minister to-morrow that Her Majesty's Consular jurisdiction in Tunis will cease from the 1st January (except as regards the completion of pending cases), and that on and after that date British subjects will be amenable to the civil and criminal jurisdiction of the French Tribunals established in the Regency. You should also issue a notification to the same effect to the British community.

The conditions on which Her Majesty's Government have consented to abandon British Consular jurisdiction in Tunis, and which have been accepted, are the following:—

1. The right of British subjects to challenge Assessors in the new Courts.
2. The admission of duly qualified British advocates to practise before the Courts, without this privilege being limited to those only who are now established in Tunis.
3. The extension to Great Britain of all privileges reserved to any other Power in connection with the new system of jurisdiction in Tunis.
4. The immediate settlement by arbitration, or otherwise, of outstanding claims of British subjects in Tunis.
5. The cesser of military jurisdiction over British subjects in cases cognizable by the Civil Tribunals.

No. 37.

*Earl Granville to Lord Ampthill.**

(Telegraphic.)

Foreign Office, December 31, 1883, 6 P.M.

BY an Order in Council, dated to-day, the jurisdiction of Her Britannic Majesty's Court for Tunis will be abolished on and after the 1st January next, except as to pending cases, and Dr. Arpa, Judge of the Court, has been instructed accordingly.

You will inform the Government to which you are accredited.

No. 38.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, December 31, 1883.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 29th instant, in reply to mine of the 16th November last, which stated the conditions upon which Her Majesty's Government would be prepared to abolish British Consular jurisdiction in Tunis from the 1st proximo.

Your Excellency now informs me that your Government have no difficulty in accepting those conditions, and recapitulates the details of the arrangement to which the

* Also to Sir H. Elliot, Viscount Lyons, Sir S. Lumley, Sir E. Thornton, Sir R. Morier, Sir C. Wyke, Mr. West, Mr. Egerton, Mr. Thornton, Sir H. Rumbold, Mr. Vivian, and Mr. Stuart.

French Government give their adhesion, in regard to the manner in which outstanding claims of British subjects in Tunis, referred to in the fourth reservation in my note of the 16th November, shall be dealt with.

I have now the honour to inform your Excellency that the arrangement thus proposed for disposing of the claims of British subjects are satisfactory to Her Majesty's Government, and that they have taken the necessary measures for closing Her Majesty's Consular Courts for Tunis on the 1st January, except for pending cases, and such matters, if any, as may not be within the jurisdiction of the French Tribunals.

In your Excellency's letter no allusion is made to the claims of British subjects relating to land, it having been arranged that the mode of procedure agreed upon in those cases should form the subject of an exchange of notes.

I shall therefore have the honour of addressing a further communication to your Excellency with reference to those cases.

I have, &c.

(Signed) GRANVILLE.

No. 39.

M. Waddington to Earl Granville.—(Received January 1, 1884.)

M. le Comte,

Londres, le 31 Décembre, 1883.

VOUS avez bien voulu me demander, pour compléter ma lettre d'avant-hier relative à la suppression de la Cour Consulaire Anglaise à Tunis, des explications sur la procédure que devront suivre à Tunis les sujets ou protégés du Gouvernement de la Reine qui ont des réclamations immobilières contre le Gouvernement du Bey.

Je m'empresse de vous rappeler, en réponse à ce désir de votre Excellence, les termes sur lesquels nous sommes tombés d'accord à cet égard et qui sont les suivants : "Les réclamations immobilières ne seront pas soumises à l'arbitrage ; elles seront jugées par le Tribunal compétent." Mais il est convenu que dans le cas où ce ne serait pas au Gouvernement Tunisien à être attaqué, mais où il serait au contraire d'après ses lois le demandeur, il ne différera pas le moment d'intenter son action. Il est bien entendu que le Gouvernement Anglais de son côté usera de toute son influence pour que ses sujets protégés agissent de même.

Dans le cas où la question de savoir qui est demandeur ou défendeur serait douteuse, c'est le Chara qui tranchera.

Je prie M. Jules Ferry de vouloir bien faire connaître à notre Ministre Résident à Tunis les termes de cet accord et d'insister pour que nous puissions en finir ainsi le plus promptement possible avec toutes ces contestations.

Veuillez, &c.

(Signé) WADDINGTON.

(Translation.)

M. le Comte,

London, December 31, 1883.

YOU were good enough to ask me, with a view to supplement my letter of the day before yesterday relative to the suppression of the English Consular Court at Tunis, for explanations respecting the procedure to be followed at Tunis by subjects, or protected subjects, of the Government of the Queen, who have claims respecting real property against the Government of the Bey.

In reply to this wish of your Excellency, I hasten to remind you of the terms on which we came to an understanding on this point, and which are as follows : "Claims respecting real property shall not be submitted to arbitration ; they shall be adjudicated upon by the competent Tribunal." But it is agreed that in cases where the Tunisian Government is not the defendant, but, on the contrary, according to its laws, the plaintiff, it shall not retard the moment of bringing its action. It is, of course, understood that the English Government, on its side, shall exert all its influence to insure similar action on the part of its protected subjects.

In case of doubt as to which side should be plaintiff and which defendant, the Chara shall decide.

I am requesting M. Jules Ferry to be good enough to acquaint our Minister Resident at Tunis with the terms of this Agreement, and to urge that all these disputes may be brought to the speediest possible conclusion.

Accept, &c.

(Signed) WADDINGTON.

No. 40.

Dr. Arpa to Earl Granville.—(Received January 3.)

(Telegraphic.)

Tunis, January 3, 1884.

I INFORMED French Minister Resident in the sense of your Lordship's telegram of the 31st ultimo, and issued a notification to the same effect. On New Year's Day about 200 British subjects of the lower classes were presented to Cardinal Lavigerie and M. de Cambon, who both addressed them in very kind words. A written Address signed by about 200 British subjects was also presented to his Eminence and French Minister Resident by a Committee of nine British Notables, a written speech being read by Mr. Diacono in the one case and by Mr. Pisani in the other. Both the Cardinal and M. de Cambon made suitable replies.

No. 41.

Sir H. Rumbold to Earl Granville.—(Received January 8.)

(Extract.)

Stockholm, January 3, 1884.

I DULY communicated to Baron Hochschild the contents of your Lordship's telegram of the 31st ultimo, which informed me that, by an Order in Council dated that day, the jurisdiction of Her Majesty's Court for Tunis would be abolished on and after the 1st January.

As regarded the Swedish and Norwegian Government, he said that they had only been waiting for the completion of the French arrangements for the administration of justice in the Regency to renounce their own Capitulations.

No. 42.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, January 12, 1884.

I HAVE received your Excellency's note of the 31st ultimo, in which you record the mode of procedure to be followed, according to the views of your Government by British, or British protected subjects in Tunis having claims against that Regency involving the tenure of land.

I have now the honour to inform your Excellency that Her Majesty's Government concur in the terms of arrangement as set forth in your note, which has anticipated the suggestion contained in the last paragraph of my letter of the 31st ultimo, that the question of the mode of dealing with land claims should be decided by an exchange of notes, and which has crossed your Excellency's letter now under acknowledgment.

I have, &c.
(Signed) GRANVILLE.

No. 43.

Mr. Vivian to Earl Granville.—(Received January 14.)

My Lord,

Copenhagen, January 10, 1884.

I ASKED the Under-Secretary for Foreign Affairs to-day if the Danish Government had determined on relinquishing their right of ex-territorial jurisdiction in Tunis.

M. Vedel replied that they had informed the French Government that so long as justice was administered by the French judicial authorities, and in accordance with French law, they were willing to relinquish the exercise of their rights of Consular jurisdiction under the Capitulations.

M. Vedel added that the Government had thus purposely reserved the power of resuming jurisdiction in the event of any alteration of the present order of things in the Regency.

I have, &c.
(Signed) C. VIVIAN.

No. 44.

Sir S. Lumley to Earl Granville.—(Received January 25.)

(Telegraphic.)

Rome, January 25, 1884, 3.30 p.m.

THE Italian Minister for Foreign Affairs and the French Ambassador have to-day signed a Protocol attesting the abandonment of Consular jurisdiction in Tunis by the Italian Government.

CORRESPONDENCE respecting the Establishment of
French Tribunals and the Abrogation of Foreign
Consular Jurisdiction in Tunis: 1882-83.

*Presented to both Houses of Parliament by Com-
mand of Her Majesty. 1884.*

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